



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

A 909,082

GENERAL LIBRARY

OF

University of Michigan

Presented by

Bessie, Angelia

Mar. 1

1900

JK
8725
1879
A63

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248

249

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

294

295

296

297

298

299

300

301

302

303

304

305

306

307

308

309

310

311

312

313

314

315

316

317

318

319

320

321

322

323

324

325

326

327

328

329

330

331

332

333

334

335

336

337

338

339

340

341

342

343

344

345

346

347

348

349

350

351

352

353

354

355

356

357

358

359

360

361

362

363

364

365

366

367

368

369

370

371

372

373

374

375

376

377

378

379

380

381

382

383

384

385

386

387

388

389

390

391

392

393

394

395

396

397

398

399

400

401

402

403

404

405

406

407

408

409

410

411

412

413

414

415

416

417

418

419

420

421

422

423

424

425

426

427

428

429

430

431

432

433

434

435

436

437

438

439

440

441

442

443

444

445

446

447

448

449

450

451

452

453

454

455

456

457

458

459

460

461

462

463

464

465

466

467

468

469

470

471

472

473

474

475

476

477

478

479

480

481

482

483

484

485

486

487

488

489

490

491

492

493

494

495

496

497

498

499

500

501

502

503

504

505

506

507

508

509

510

511

512

513

514

515

516

517

518

519

520

521

522

523

524

525

526

527

528

529

530

531

532

533

534

535

536

537

538

539

540

541

542

543

544

545

546

547

548

549

550

551

552

553

554

555

556

557

558

559

560

561

562

563

564

565

566

567

568

569

570

571

572

573

574

575

576

577

578

579

580

581

582

583

584

585

586

587

588

589

590

591

592

593

594

595

596

597

598

599

600

601

602

603

604

605

606

607

608

609

610

611

612

613

614

615

616

617

618

619

620

621

622

623

624

625

626

627

628

629

630

631

632

633

634

635

636

637

638

639

640

641

642

643

644

645

646

647

648

649

650

651

652

653

654

655

656

657

658

659

660

661

662

663

664

665

666

667

668

669

660

661

662

663

664

665

666

667

668

669

670

671

672

673

674

675

676

677

678

679

680

681

682

683

684

685

686

687

688

689

690

691

692

693

694

695

696

697

698

699

700

701

702

703

704

705

706

707

708

709

710

711

712

713

714

715

716

717

718

719

720

721

722

723

724

725

726

727

728

729

720

721

722

723

724

725

726

727

728

729

730

731

732

733

734

735

736

737

738

739

730

731

732

733

734

735

736

737

738

739

740

741

742

743

744

745

746

747

748

749

740

741

742

743

744

745

746

747

748

749

750

751

752

753

754

755

756

757

758

759

750

751

752

753

754

755

756

757

758

759

760

761

762

763

764

765

766

767

768

769

760

761

762

763

764

765

766

767

768

769

770

771

772

773

774

775

776

777

778

779

770

771

772

773

774

775

776

777

778

779

780

781

782

783

784

785

786

787

788

789

780

781

782

783

784

785

786

787

788

789

790

791

792

793

794

795

796

797

798

799

790

791

792

793

794

795

796

797

798

799

800

801

802

803

804

805

806

807

808

809

800

801

802

803

804

805

806

807

808

809

810

811

812

813

814

815

816

817

818

819

810

811

812

813

814

815

816

817

818

819

820

821

822

823

824

825

826

827

828

829

820

821

822

823

824

825

826

827

828

829

830

831

832

833

834

835

836

837

838

839

830

831

832

833

834

835

836

837

838

839

840

841

842

843

844

845

846

847

848

849

840

841

842

843

844

845

846

847

848

849

850

851

852

853

854

855

856

857

858

859

850

851

852

853

854

855

856

857

858

859

860

861

862

863

864

865

866

867

868

869

860

861

862

863

864

865

866

867

868

869

870

871

872

873

874

875

876

877

878

879

870

871

872

873

874

875

876

877

878

879

880

881

882

883

884

885

886

887

888

889

880

881

882

883

884

885

886

887

888

889

890

891

892

893

894

895

896

897

898

899

890

891

892

893

894

895

896

897

898

899

900

901

902

903

904

905

906

907

908

909

900

901

902

903

904

905

906

907

908

909

910

911

912

913

914

915

916

917

918

919

910

911

912

913

914

915

916

917

918

919

920

921

922

923

924

925

926

927

928

929

920

921

922

923

924

925

926

927

928

929

930

931

932

933

934

935

936

937

938

939

930

931

932

933

934

935

936

937

938

939

940

941

942

943

944

945

946

947

948

949

940

941

942

943

944

945

946

947

948

949

950

951

952

953

954

955

956

957

958

959

950

951

952

953

954

955

956

957

958

959

960

961

962

963

964

965

966

967

968

969

960

961

962

963

964

965

966

967

968

969

970

971

972

973

974

975

976

977

978

979

970

971

972

973

974

975

976

977

978

979

980

981

982

983

984

985

986

987

988

989

980

981

982

983

984

985

986

987

988

989

990

991

992

993

994

995

996

997

998

999

990

991

992

993

994

995

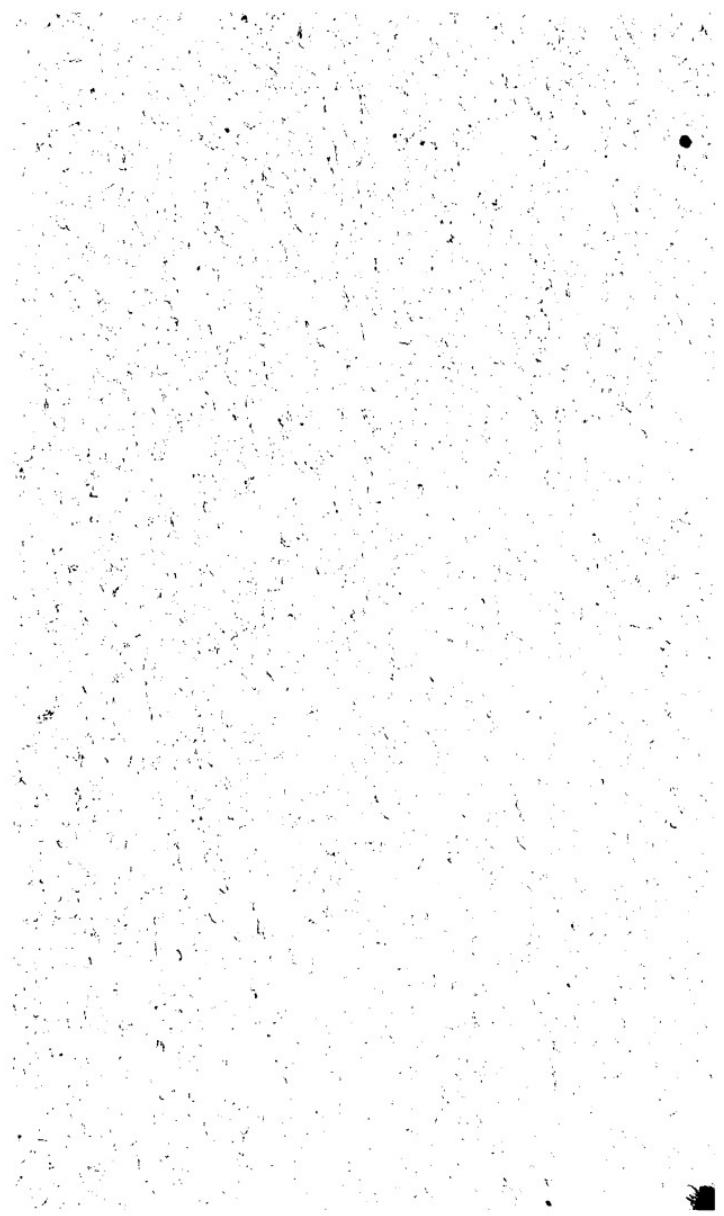
996

997

998

999

1000



187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
990
991
992
993
994
995
996
997
998
999
1000

California Constitution

THE
CONSTITUTION
1864
OF THE
UNITED STATES
AND THE
Constitutions of California
AS ADOPTED

IN 1863 AND 1879,

WITH

Parallel Arrangement of the Corresponding Sections,
and Indexes.

SAN FRANCISCO:
SUMNER WHITNEY & CO.
1879.

COPYRIGHT
BY SUMNER WHITNEY & CO.
1879.

Baon & Company, Printers,
San Francisco, Cal.

No. 2, 22, 16, M.A. 4.5

**THE
Constitution
OF THE
UNITED STATES.**



CONTENTS.

PREAMBLE.

ARTICLE I.

- SEC. 1.—Legislative power vested in Congress.
Senate and House of Legislature.
- SEC. 2.—1. Representatives, election of.
qualification of electors.
2. Qualifications of members.
 3. Apportionment of Representatives.
of direct taxes.
 - Census to be taken decennially.
 - Ratio of representation.
 4. Vacancies in representation.
Executive to order election to fill.
 5. House to choose its own officers.
to have sole power of impeachment.
- SEC. 3.—1. Senate, of what composed.
Senators, how and when chosen.
each to have one vote.
2. Senators to be divided into three classes.
first class to vacate in two years.
second class in four years.
third class at end of sixth year.
one-third to be chosen every second year.
vacancies during recess to be temporarily filled.
 3. Qualifications for Senator.
thirty years of age.
nine years a citizen.
to be inhabitant of State for which chosen.
 4. Vice-President to be President of Senate.
to have no vote except in case of a tie.
 5. Senate to choose other officers.
to choose President *pro tem.* in absence of Vice-President.
 6. Senate to have sole power to try impeachments.
when so sitting, to be on oath or affirmation.
Chief Justice to preside on trial of President.
concurrence of two-thirds necessary for conviction.
 7. Judgment on conviction, extent of.
not to operate against trial according to law.
- SEC. 4.—1. Time and mode of elections to be fixed by State Legislatures.
Congress may alter State regulations.
except as to the place of elections.
2. Congress to assemble at least once a year.
meeting to be on first Monday of December.
unless otherwise appointed by law.
- SEC. 5.—1. Each house to judge the elections, returns, and qualifications of its members.
majority to constitute a business quorum.

Art. I, Sec. 5.—Continued.

- smaller number may adjourn and compel attendance.
penalties may be prescribed for non-attendance.
2. Each house may determine rules of its proceedings.
may punish for disorderly behavior.
with concurrence of two-thirds may expel.
 3. Each house shall keep a journal of proceedings.
may publish the same.
yeas and nays to be entered on desire of one-fifth.
 4. Neither house shall adjourn for more than three days without consent of the other.
nor to any other place than that in which they are sitting.

SEC. 6.—1. Compensation for services to be fixed by law.

to be paid out of U. S. Treasury.

Members to be privileged from arrest during the session.
except for treason, felony, and breach of peace.
to be privileged in going to and returning from the sessions.
for speech or debate not to be questioned elsewhere.

2. No member to be eligible for a civil office under Government created or increased in emoluments during his term.
no person holding U. S. office to be eligible as a member.

SEC. 7.—1. Bills for raising revenue to originate in the House; but the Senate may propose or concur with amendments.

2. Every bill to be presented to the President for his approval.
if returned, objections to be entered on the journal.
and to be reconsidered.
on concurrence of two-thirds, the bill to be sent to other house.
if approved by two-thirds, to become a law.
the vote of both houses to be by yeas and nays.
names of members voting to be entered on journals.
if bill not returned by President in ten days, to be a law, unless Congress, by adjournment, prevent the return.

3. Concurrent resolutions to be presented to the President except on question of adjournment.
if disapproved, require two-thirds to pass them.

SEC. 8.—1. Congress shall have power to lay and collect taxes, duties, imposts, and excises.

to pay debts and provide for common defense and general welfare.

2. all duties, imposts, and excises to be uniform.
to borrow money on credit of U. S.
3. to regulate commerce
with foreign nations,
among the several States,
and with the Indian tribes.
4. to establish uniform rule of naturalization, and uniform laws on subject of bankruptcies.
5. to coin money and regulate its value, and fix the standard of weights and measures.

Art. I, Sec. 8.—Continued.

6. to provide for punishment of counterfeiting securities and coin of U. S.
7. to establish post-offices and post-roads.
8. to promote progress of science and useful arts by securing to authors and inventors exclusive rights.
9. to constitute tribunals inferior to Supreme Court.
10. to define and punish piracies and felonies on high seas, and offenses against law of nations.
11. to declare war,
grant letters of marque and reprisal,
and make rules concerning captures.
12. to raise and support armies.
appropriations to be limited to two years.
13. to provide and maintain a navy.
14. To make rules for government of land and naval forces.
15. To provide for calling forth the militia.
to execute laws, suppress insurrections, etc.
16. To provide for organizing and arming the militia.
and for governing them when in employ of Government.
authorities of States as to appointment of officers reserved,
also as to disciplining militia.
17. To exercise exclusive legislation over seat of government,
and over sites of public works or buildings.
18. To make all laws necessary and proper to carry out its powers.

Sec. 9.—1. Migration or importation of slaves, restriction of.

tax or duty may be imposed.

2. *Habeas corpus* not to be suspended except.
3. No bill of attainder or *ex post facto* law to be passed.
4. No direct tax unless in proportion to census.
5. No tax or duty on exports from any State.
6. No preference to be given in commerce or revenue to ports of any State.
no entry, clearance, or duties on vessels bound to or from States.
7. Money to be drawn only on appropriations made by law.
statements of receipts and expenditures to be published.
8. No title of nobility to be granted.

no officer to accept presents from foreign powers.

Sec. 10.—1. No State to enter into any treaty, alliance, or confederation.

or grant letters of marque and reprisal.
or coin money.
or emit bills of credit.
or make anything but gold and silver a legal tender.
or pass any bill of attainder.
or *ex post facto* law.
or law impairing obligation of contract.
or grant any title of nobility.

2. No State, without consent of Congress, shall lay any imposts or duties.
except absolutely necessary.
and the net produce to be for use of Government.
and the laws subject to revision of Congress.

Art. I, Sec. 10.—Continued.

- 3. No State, without consent of Congress, to lay duty on tonnage.
or keep troops or ships of war in time of peace.
or enter into any agreement or compact with other States, or with a foreign power.
unless actually invaded or in imminent danger.

ARTICLE II.

- SEC. 1.—1.** The executive power is vested in a President.
 his term of office shall be four years.
 the term of office of Vice-President shall
 be the same.
 they shall be elected together.
2. Each State shall appoint Presidential electors.
 to be in number equal to the whole number of their Senators and Representatives.
 no Senator or Representative or public U. S. officer shall be an elector.
3. Manner of voting by electors.
 REPEALED. See XIIth Amendment.
4. Congress may determine time of choosing electors.
 and the day of their meeting to elect.
 to be the same throughout the U. S.
5. Natural-born citizens alone eligible for President.
 to have attained the age of thirty-five, and been fourteen years a resident.
6. The Vice-President to assume the duties of President in case of his death, resignation, etc.
 Congress may by law provide for the case of death, resignation, etc., of the President.
 and declare what officer shall then act.
7. The compensation of the President shall not be increased or diminished during his term of office.
 and he shall not receive during that period any other emolument.
8. Oath or affirmation of President.
- SEC. 2.—1.** President shall be Commander in Chief of Army and Navy.
 and of the Militia of the several States, when in service of the U. S.
 may require written opinions of executive officers.
 may grant reprieves and pardons, except in impeachments.
2. By and with consent of Congress, may make treaties.
 and shall nominate and appoint Ambassadors, etc.
 and all other officers whose appointments are not otherwise provided for.
 Congress may vest appointment of inferior officers as they think proper.
3. President may fill vacancies during recess of Senate.
- SEC. 3.—**President to give information of state of the Union.
 to recommend measures to Congress.
 on extraordinary occasions may convene Congress.
 in case of disagreement may adjourn Congress.
 to receive Ambassadors and Ministers.
 to take care that the laws are administered.
 to commission all officers of the U. S.

M. W. D.

Art. II.—Continued.

SEC. 4.—President and Vice-President to be removed on impeachment for treason, bribery, or high crimes.

ARTICLE III.

SEC. 1.—Judicial power is vested in a Supreme Court and inferior Courts, to be established by Congress. Judges to hold office during good behavior. compensation not to be diminished during continuance in office.

SEC. 2.—1. Jurisdiction to extend to all cases arising under the Constitution, laws, and treaties. to all cases affecting Ambassadors, Ministers, and Consuls. to all cases of admiralty and maritime jurisdiction. to controversies to which the U. S. is a party. to controversies between two or more States. between a State and citizens of another State. between citizens of different States. between citizens of the same State claiming lands under grants of different States. and between a State, or its citizens, and foreign States, citizens, or subjects.

2. Supreme Court shall have original jurisdiction in all cases affecting Ambassadors, Ministers, or Consuls. and cases in which a State is a party. and appellate jurisdiction both as to law and fact, under regulations to be made by Congress.

3. Trials of all crimes, except in cases of impeachment, to be by jury. to be had in State where crime has been committed. when not committed within a State, to be where Congress may direct.

SEC. 3.—1. Treason consists in levying war against, or adhering to enemies of the U. S., giving them aid and comfort. no conviction unless on testimony of two witnesses. or on confession in open Court.

2. Congress may declare the punishment for treason. no attainder shall work corruption of blood or forfeiture beyond the life of the party attainted.

ARTICLE IV.

SEC. 1.—Full faith and credit to be given to public acts, records, and judicial proceedings of States. Congress may prescribe the manner of their proof, and the effect thereof.

SEC. 2.—1. Citizens of each State are entitled to the privileges and immunities of citizens in the several States. 2. Fugitives from justice to be delivered up to State having jurisdiction of the crime. 3. Fugitives from service or labor to be delivered up.

SEC. 3.—1. New States may be admitted by Congress, but they cannot be formed within the jurisdiction of a State without consent of its Legislature.

Art. IV, Sec. 3.—Continued.

- 1. nor by the junction of two or more States without consent of States concerned and of Congress.
 - 2. Congress may dispose of and make rules and regulations for territories or other property belonging to the U. S. Claims of the U. S. or of a State not to be prejudiced.
- Sec. 4.—A republican form of government guaranteed to each State, and protection of each against invasion, and against domestic violence.**

ARTICLE V.

Congress may propose amendments, when deemed necessary,
or on application of two-thirds of the State Legislatures,
convention to be called,
to be ratified by Legislatures or conventions of
three-fourths of the States.
no State, without its consent, can be deprived of
its equal suffrage in the Senate.

ARTICLE VI.

- 1. All existing liabilities are valid against the U. S.
- 2. The Constitution, laws, and treaties are the supreme law of the land,
judges in every State bound thereby.
- 3. All officers, executive, legislative, and judicial, both Federal and State, to be bound by oath or affirmation to support the Constitution.
no religious test shall be required as a qualification to any office.

ARTICLE VII.

- The ratification of nine States sufficient.
- Attestation clause.
- Signatures.

AMENDMENTS.**ARTICLE I.**

Congress can make no law respecting religion.
or abridging the freedom of speech or of the press
or the right to peaceably assemble and petition for redress.

ARTICLE II.

The right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier to be quartered in any house without the consent of the owner.
nor in time of war but in a manner prescribed by law.

ARTICLE IV.

The right of security against searches and seizures shall not be violated.
warrants on probable cause to be supported by oath or affirmation.
the place, person, and thing to be described in the warrant.

ARTICLE V.

Presentation or indictment before grand jury essential to trial for crime.
except as to land or naval forces or militia in time of war.
no person to be put twice in jeopardy.
nor be compelled to be witness against himself.
nor be deprived of life, liberty, or property without due process of law.
nor shall private property be taken for public use without compensation.

ARTICLE VI.

In criminal trials, accused shall have the right to a speedy and public trial.
by a jury, of State and district where crime was committed.
and to be informed of the nature and cause of accusation.
and to be confronted with witnesses against him.
and to have compulsory process for witnesses in his favor.
and to have the assistance of counsel for his defense.

ARTICLE VII.

In civil actions, the right of trial by jury shall be preserved where the value in controversy exceeds twenty dollars.
facts tried by jury are re-examinable only according to the rules of common law.

ARTICLE VIII.

Excessive bail shall not be required.
nor excessive fines imposed.
nor cruel nor unusual punishments inflicted.

ARTICLE IX.

The enumeration of rights not to disparage others retained by the people.

ARTICLE X.

Powers not delegated nor prohibited to the States are reserved to the States or to the people.

DESTY'S FED. CON.—2.

ARTICLE XI.

The judicial power not to extend to actions against a State by citizen of another State, or of a foreign State.

ARTICLE XII.

Presidential electors to meet in their respective States, and vote by ballot for President and Vice-President.
 the ballots for each office to be distinct.
 distinct lists to be made, signed, certified, and transmitted to the President of the Senate.
 the President of the Senate to open the certificates in presence of both houses of Congress.
 and the votes shall then be counted,
 the person having the greatest number of votes shall be President.
 if there be no majority the House of Representatives shall elect from those having the highest number, not exceeding three.
 the votes shall be taken by States, each State having one vote.
 a quorum shall consist of a representation from two-thirds of the States.
 a majority of all the States necessary to a choice.
 if the House neglect to choose a President, the Vice-President shall act as such.
 the person having the greatest number of votes for Vice-President shall be Vice-President,
 if it be majority of the electors.
 if not such majority, then the Senate shall choose the Vice-President from the two highest on the list.
 a quorum shall consist of two thirds of the whole number of Senators.
 a majority shall be necessary for a choice.
 constitutional ineligibility for President renders a person ineligible for Vice-President.

ARTICLE XIII.

Neither slavery nor involuntary servitude, except for crime, shall exist in the United States.
 Congress may enforce this article.

ARTICLE XIV.

SEC. 1.—All persons born or naturalized in the U. S. are citizens of the U. S. and of the State where they reside.
 States cannot abridge the privileges and immunities of citizens.
 nor deprive any person of life, liberty, or property without due process of law.
 nor deny to any person the equal protection of the law.
SEC. 2.—Representatives shall be apportioned according to the whole number of persons in each State, excluding Indians not taxed.
 but when the right to vote is denied to male citizens over twenty-one, the basis of representation shall be reduced accordingly.

Art. XIV, Sec. 2.—Continued.

except for participation in the rebellion or
for other crimes.

SEC. 3.—Persons engaged in insurrection or rebellion having previously taken the oath to support the Constitution of the U. S. are disqualified from holding office. Congress may by a two-third vote of each house remove the disability.

SEC. 4.—The validity of the public debt of the U. S., authorized by law, shall not be questioned. debts or obligations incurred in aid of rebellion are illegal and void.

claims for loss or emancipation of any slave are illegal and void.

SEC. 5.—Congress shall have power to enforce these provisions.

ARTICLE XV.

SEC. 1.—The right of citizens to vote shall not be denied or abridged on account of race, color, or previous condition of servitude.

SEC. 2.—Congress shall have power to enforce this article.



Constitution

OF THE
UNITED STATES.

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE I.

SECTION. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION. 2. ¹The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

²No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

³[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three-fifths of all other Persons.] The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative ; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

⁴When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

⁵The House of Representatives shall chuse their Speaker and other Officers ; and shall have the sole Power of Impeachment.

SECTION. 3. ¹The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years ; and each Senator shall have one Vote.

²Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year ; and if Vacancies happen by Resignation, or otherwise, during the

Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

³No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

⁴The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

⁵The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

⁶The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the Members present.

⁷Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4. ¹The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

²The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION. 5. ¹Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business ; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

²Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

³Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy ; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those present, be entered on the Journal.

⁴Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6. ¹The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same ; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

²No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time ; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION. 7. ¹All Bills for raising Revenue shall

originate in the House of Representatives ; but the Senate may propose or concur with Amendments as on other Bills.

²Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States ; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

³Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States ; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION. 8. ¹The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States ; but all Duties, Imposts and Excises shall be uniform throughout the United States ;

²To borrow Money on the credit of the United States ;

³To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes ;

⁴To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States ;

⁵To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures ;

⁶To provide for the Punishment of counterfeiting the Securities and current Coin of the United States ;

⁷To establish Post Offices and post Roads ;

⁸To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries ;

⁹To constitute Tribunals inferior to the supreme Court ;

¹⁰To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations ;

¹¹To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water ;

¹²To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years ;

¹³To provide and maintain a Navy ;

¹⁴To make Rules for the Government and Regulation of the land and naval Forces ;

¹⁵To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions ;

¹⁶To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training

the Militia according to the discipline prescribed by Congress ;

¹⁷To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings ;—And

¹⁸To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution, in the Government of the United States, or in any Department or Officer thereof ;

SECTION. 9. ¹The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

²The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

³No Bill of Attainder or ex post facto Law shall be passed.

⁴No Capitation, or other direct, tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

⁵No Tax or Duty shall be laid on Articles exported from any State.

⁶No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another : nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

⁷No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law ; and

a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

⁸No Title of Nobility shall be granted by the United States : and no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION. 10. ¹No State shall enter into any Treaty, Alliance, or Confederation ; grant Letters of Marque and Reprisal ; coin Money ; emit Bills of Credit ; make any Thing but gold and silver Coin a Tender in Payment of Debts ; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

²No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws : and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States ; and all such Laws shall be subject to the Revision and Controul of the Congress.

³No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE. II.

SECTION. 1. ¹The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

²Each State shall appoint, in such Manner as the

Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress : but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

³The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes ; which Day shall be the same throughout the United States.

⁴No Person except a natural born Citizen, or a Citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the Office of President ; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

⁵In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

⁶The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

⁷Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation :—“ I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

4The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes ; which Day shall be the same throughout the United States.

5No Person except a natural born Citizen, or a Citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the Office of President ; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

6In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

7The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

8Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation :—“I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

SECTION. 2. **1**The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States ; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any

Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

² He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

³ The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

SECTION. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III.

SECTION. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

SECTION. 2. ¹The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority ; —to all Cases affecting Ambassadors, other public Ministers and Consuls ;—to all Cases of admiralty and maritime Jurisdiction ;—to Controversies to which the United States shall be a Party ;—to Controversies between two or more States ;—between a State and Citizens of another State ;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

²In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

³The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury ; and such Trial shall be held in the State where the said Crimes shall have been committed ; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION. 3. ¹Treason against the United States, shall consist only in levying War against them, or in

adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

²The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV.

SECTION. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SECTION. 2. ¹The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

²A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up to be removed to the State having Jurisdiction of the Crime.

³No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

SECTION. 3. ¹New States may be admitted by the Congress into this Union ; but no new State shall be formed or erected within the Jurisdiction of any other State ; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

²The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States ; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion ; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress ; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article ; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI.

¹All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

²This Constitution, and the Laws of the United States which shall be made in Pursuance thereof ; and

all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land ; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution ; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII.

The Ratification of the Conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the Same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven, and of the Independance of the United States of America the Twelfth In Witness whereof We have hereunto subscribed our Names,

G^o: WASHINGTON—
Presidt. and Deputy from Virginia

New Hampshire.

JOHN LANGDON

NICHOLAS GILMAN

Massachusetts.

NATHANIEL GORHAM RUFUS KING

Connecticut.

Wm. SAML. JOHNSON ROGER SHERMAN

Signers CONSTITUTION. **22**

New York.

ALEXANDER HAMILTON

New Jersey.

WIL : LIVINGSTON	Wm. PATERSON
DAVID BREARLEY	JONA : DAYTON

Pennsylvania.

B. FRANKLIN	THOS. FITZSIMONS
THOMAS MIFFLIN	JARED INGERSOLL
ROBT. MORRIS	JAMES WILSON
GEO. CLYMER	GOUV MORRIS

Delaware.

GEO : READ	RICHARD BASSETT
GUNNING BEDFORD Jun	JACO : BROOM
JOHN DICKINSON	

Maryland.

JAMES McHENRY	DANL. CARROLL
DAN OF ST THOS JENIFER	

Virginia.

JOHN BLAIR—	JAMES MADISON Jr.
-------------	-------------------

North Carolina.

Wm. BLOUNT	HU WILLIAMSON.
RICHD. DOBBS SPAIGHT	

South Carolina.

J. RUTLEDGE,	CHARLES PINCKNEY
	PIERCE BUTLER.
CHARLES COTESWORTH	PINCKNEY

Georgia.

WILLIAM FEW

ABR BALDWIN

Attest

WILLIAM JACKSON Secretary

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.

[ARTICLE I.]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

[ARTICLE II.]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

[ARTICLE III.]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

[ARTICLE IV.]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no

Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

[ARTICLE V.]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

[ARTICLE VI.]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.

[ARTICLE VII.]

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

[ARTICLE VIII.]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

[ARTICLE IX.]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

[ARTICLE X.]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

[ARTICLE XI.]

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

[ARTICLE XII.]

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves ; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate ;—The Presi-

dent of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted ;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed ; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President ; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or

rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

INDEX

TO THE

Constitution of THE United States.

[THE REFERENCES ARE TO ARTICLE OR AMENDMENT,
SECTION, AND SUBDIVISION THEREOF.]

- Accounts of public money**—to be published, Art. 1, Sec. 9 ¶ 7.
Adjournment—of House, for want of a quorum, 1, 5, 1.
 restriction on power of, 1, 5, 4.
 when President may adjourn Congress, 2, 3.
Admiralty and maritime jurisdiction—3, 2.
Adoption—of confederation debts and obligations, 6, 1.
Affirmation—see **OATH**.
Alliance—no State shall enter into treaty of, 1, 10, 1.
Ambassadors—President may appoint, 2, 2, 2.
 judicial power extends to, 3, 2, 1.
Amendments—when Congress shall propose, 5.
 to be ratified by three-fourths of the States, 5.
Appellate jurisdiction—of Supreme Court, 3, 2, 2.
Apportionment—of representation and direct taxation, 1, 2, 3.
 Repealed—Am. 14, 2.
 of Representatives among the several States, Am. 14, 2.
Appropriate legislation—power of Congress, 1, 8, 18.
 enforcement of Thirteenth Amendment, 13, 2.
 enforcement of Fourteenth Amendment, 14, 5.
 enforcement of Fifteenth Amendment, 15, 2.
Appropriation—for army, limited to two years, 1, 8, 12.
 money not to be drawn but in consequence of, 1, 9, 7.
Armies—appropriations limited to two years, 1, 8, 12.
 Congress to make rules for government of, 1, 8, 14.
Arms—right of people to bear, 2.
Arrest—privilege of members from, 1, 6, 1.

- Arsenals**—exclusive authority of Congress, Art. 1, Sec. 8, ¶ 17.
Arts—Congress to promote, 1, 8, 8.
Attainder—Congress cannot pass bill of, 1, 9, 3.
 State shall not pass bill of, 1, 10, 1.
 of treason, not to work corruption of blood, 3, 3, 2.
Authors and inventors—Congress to secure rights of, 1, 8, 8.
Bail—excessive not to be required, Am. 8.
Ballot—electors to vote by, Am. 12.
 when House to choose President by, Am. 12.
Bankruptcies—Congress to pass uniform laws on, 1, 8, 4.
Basis of representation—Am. 14, 2.
Bill of attainder—Congress cannot pass, 1, 9, 3.
 States shall not pass, 1, 10, 1.
Bills of credit—States shall not emit, 1, 10, 1.
Bills—for raising revenue to originate in House, 1, 7, 1.
 on passage of both Houses to be presented to President, 1, 7, 2.
 power of President to sign or disapprove them, 1, 7, 2.
 two-thirds of each House may pass over his veto, 1, 7, 2.
 not returned by President within ten days become law, unless,
 etc., 1, 7, 2.
Bounties—debt for, not to be questioned, Am. 14, 4.
Breach of peace—no privilege from arrest for, 1, 6, 1.
Bribery—all officers liable to impeachment for, 2, 4.

Capitation tax—laid in proportion to the census, 1, 9, 4.
Captures—Congress to make rules for, 1, 8, 11.
Census—of people, when to be taken, 1, 2, 3.
 capitation tax in proportion to, 1, 9, 4.
Chief Justice—to preside on impeachment of President, 1, 3, 6.
Citizen—who eligible as President, 2, 1, 4.
 who eligible as Senator, 1, 3, 3.
 who eligible as Representative, 1, 2, 1.
 privileges and immunities of, 4, 2, 1.
 who are citizens, Am. 14, 1.
 privileges or immunities not to be abridged, Am. 14, 1.
 not to be deprived of life, liberty, or property without due process of law, Am. 14, 1.
 equal protection of laws not to be denied, Am. 14, 1.
Classification of Senators—into three classes, 1, 3, 2.
Commander in Chief—of Army and Navy, 2, 2, 1.
Commerce—Congress shall have power to regulate, 1, 8, 3.
 no preference to be given between ports of States, 1, 9, 6.
Compact—States not to enter into, 1, 10, 3.
Compensation—of President, 2, 1, 6.
 of Senators and Representatives, 1, 6, 1.
 of Judges of Supreme and Superior Courts, 3, 1.
 private property not to be taken without making, Am. 5.
Compulsory process—accused to have, Am. 6.
Confederation—State not to enter into, 1, 10, 1.
 debts of original assumed, 6.
Congress—legislative powers vested in, 1, 1.
 of what to consist, 1, 1.

Congress—Continued.

to assemble at least once a year, 1, 4, 2.
 may alter regulations for election of members, 1, 4, 1.
 each House to judge of qualifications of its members, 1, 5, 1.
 majority of each House a quorum, 1, 5, 1.
 less number may adjourn, 1, 5, 1.
 each House to determine rules of its proceedings, 1, 5, 2.
 two-thirds may expel a member, 1, 5, 2.
 each House to keep journal of proceedings, 1, 5, 3.
 restriction on power to adjourn, 1, 5, 4.
 compensation of members, 1, 6, 1.
 members privileged from arrest, except, 1, 6, 1.
 ineligible to offices created during term of service, 1, 6, 2.
 who ineligible, 1, 6, 2.
 bills for raising revenue to originate in House, 1, 7, 1.
 proceedings on bill returned by President, 1, 7, 2.
 power to lay and collect duties, etc., 1, 8, 1.
 to borrow money on credit of United States, 1, 8, 2.
 to regulate commerce, 1, 8, 3.
 to establish rule of naturalization, 1, 8, 4.
 to establish uniform laws on subject of bankruptcies, 1, 8, 4.
 to coin money and regulate value of coin, 1, 8, 5.
 to fix standards of weights and measures, 1, 8, 5.
 to punish counterfeiting, 1, 8, 6.
 to establish post-offices and post-roads, 1, 8, 7.
 to promote progress of science and art, 1, 8, 8.
 to constitute inferior tribunals, 1, 8, 9.
 to define and punish piracies, etc., 1, 8, 10.
 to punish offenses against law of nations, 1, 8, 10.
 to declare war, 1, 8, 11.
 to grant letters of marque and reprisal, 1, 8, 11.
 to make rules concerning captures, 1, 8, 11.
 to raise and support armies, 1, 8, 12.
 restriction on appropriations, 1, 8, 12.
 to provide and maintain a Navy, 1, 8, 13.
 to make rules for Army and Navy, 1, 8, 14.
 to call out militia in case of necessity, 1, 8, 15.
 to provide for organizing, etc., militia, 1, 8, 16.
 to legislate over District of Columbia, and over forts, magazines,
 etc., 1, 8, 17.
 to make all laws necessary to carry out the powers of Government, 1, 8, 18.
 may determine time of choosing Presidential electors, 2, 1, 3.
 may admit new States into the Union, 4, 3, 1.
 may make needful rules for the territory of the United States, 4, 3, 2.
 two-thirds may propose amendments, 5.
 who disqualified as members, Am. 14, 3.
 disqualifications may be removed, Am. 14, 3.
 may enforce Thirteenth Amendment, Am. 13, 2.
 may enforce Fourteenth Amendment, Am. 14, 3.
 may enforce Fifteenth Amendment, Am. 15, 2.

Consent—of Congress, required for official to receive present, etc., 1, 9, 8.
required for State to lay imposts, etc., 1, 10, 2.
 or to lay duty on tonnage, 1, 10, 3.
 or to enter into agreement or compact with other State, 1, 10, 3.
 or to engage in war, 1, 10, 3.
 or to form new State within another State, 4, 3, 1.
 or for the junction of States or parts of States, 4, 3, 1.
 neither House to adjourn without consent of other, 1, 5, 4.
 of Senate required in making treaty, 2, 22.
 or in appointing Ambassadors, etc., 2, 2, 2.

- Contracts**—State not to pass law violating obligations of, Art. I, Sec. 10, ¶ 1.
Convention—for proposing amendments, how called, 5.
Copyrights—Congress may provide for, 1, 8, 8.
Counterfeiting—Congress shall provide punishment for, 1, 8, 6.
Courts—inferior may be constituted by Congress, 1, 8, 6.
judicial power vested in, 3, 1.
term of office of judges of, 3, 1.
Credit—to be given to public acts and records, 4, 1.
Crime—how person held to answer for, 5.
impeachment of civil officers for, 2, 4.
trial for to be by jury, 3, 2, 3.
place of trial for, 3, 2, 3.
prosecutions for, rights of accused, 6.
Cruel or unusual punishments prohibited—Am. 8.
Debt of United States—not to be questioned, Am. 14, 4.
Congress has power to pay, 1, 8, 1.
under prior confederation assumed, 6, 1.
Debts—incurred in aid of insurrection repudiated, Am. 14, 4.
Defense—Constitution adopted to insure, Preamble.
power of Congress to provide for, 1, 8, 1.
right of accused in criminal prosecutions, Am. 6.
Departments—appointment of officers may be vested in, 2, 2, 2.
Direct tax—how laid, 1, 9, 4.
how apportioned, 1, 2, 3.
[Repealed by 14th Amendment.]
Disability—provisions in case of as to President, etc., 2, 1, 5.
to hold office by engagement in rebellion, Am. 14, 3.
may be removed by Congress, Am. 14, 3.
Disqualification—of Senator or Representative for other office, 1, 6, 2.
for membership of either House, 1, 6, 2.
by engaging in rebellion, Am. 14, 3.
District of Columbia—Congress to exercise exclusive legislation, 1, 8, 17.
Dockyards—exclusive control of Congress, 1, 8, 17.
Due process of law—persons not to be deprived of life, liberty, or property without, Am. 5.
State not to deprive of life, liberty, or property without, Am. 14, 1.
Duties of President—when to devolve on Vice-President, 2, 1, 5.
in case of disability of both, Congress shall declare who shall act, 2, 1, 5.
Duties—imposts and excises, power of Congress to lay, 1, 8, 1.
to be uniform throughout U. S., 1, 8, 1.
no duty or tax to be laid on exports from a State, 1, 8, 1.
vessels clearing from one State not to pay in another, 1, 9, 6.
no State to lay duty on imports or exports, 1, 10, 2.
if laid by consent of Congress, net produce to be for use of U. S., 1, 10, 2.
all such laws subject to control and revision of Congress, 1, 10, 2.
Duty on tonnage—no State to lay without consent of Congress, 1, 10, 2.
Elections—of executive, Congress may determine day of, 2, 1, 3.
day to be the same throughout U. S., 2, 1, 3.

Elections—Continued.

for Senators and Representatives, Legislatures of States to prescribe, Art. I, Sec. 4, ¶ 1.
subject to alteration and regulation of Congress, 1, 4, 1.
each House to judge of returns and qualifications of its members, 1, 5, 1.

Electors—for President and Vice-President, each State to appoint,

2, 1, 2.
number equal to Senators and Representatives, 2, 1, 2.
who not eligible, 2, 1, 2.
Congress may determine time of choosing and of voting by, 2, 1, 3.
day to be the same throughout U. S., 2, 1, 3.
to meet and vote by ballot, Am. 12.
ballots for President and Vice-President to be distinct, Am. 12.
one at least to be inhabitant of another State, Am. 12.
distinct lists to be made, Am. 12.
to sign, certify, and transmit lists to President of Senate, Am. 12.
who disqualified to office of, Am. 14, 3.
Congress may remove disability, Am. 14, 3.

Emancipation—of slave, claim for loss by illegal and void, Am. 14, 4.

Emoluments—U. S. official not to accept from foreign king, etc., 1, 9, 8.

Enumeration—of inhabitants, when to be made, 1, 2, 3.

ratio of representation, 1, 2, 3.
of rights, not to disparage others retained, Am. 9.

Equal protection of the laws—no State shall deny, Am. 14, 1.

Equal suffrage in Senate—secured to States, 5.

Excessive bail—shall not be required, Am. 8.

Excises—power of Congress to lay and collect, 1, 8, 1.

to be uniform, 1, 8, 1.
Exclusive legislation—by Congress over District of Columbia, 1, 8, 17.
over places ceded to United States, 1, 8, 17.

Executive departments—heads of may be vested with power to appoint inferior officers, 2, 2, 2.

Executive officers—to be bound by oath to support the Constitution,
6, 3.
of States to be bound by oath, 6, 3.

President may require written opinions of, 2, 2, 1.

Executive power—vested in President, 2, 1, 1.

Expenditures—of money to be published, 1, 9, 7.

Exports—from States, no tax to be laid on, 1, 9, 5.
no State to lay duties on without consent of Congress, 1, 10, 2.
if laid to be for use of Treasury, 1, 10, 2.
and be subject to revision of Congress, 1, 10, 2.

Ex post facto laws—shall not be passed, 1, 9, 3.
State not to pass, 1, 10, 1.

Expulsion of member—by concurrence of two-thirds, 1, 5, 2.

Faith and credit—to acts, records, and judicial proceedings of the several States, 4, 1.

Felony—members of Congress not privileged from arrest for, 1, 6, 1.
on high seas, Congress shall have power to define and punish,
1, 8, 10.

Fines—excessive not to be imposed, Am. 8.

Foreign coin—Congress may regulate value of, 1, 8, 5.

- Foreign nations—Congress to regulate commerce with, Art. 1, Sec. 8.
 13.
- Foreign powers—State prohibited from entering into compact with, 1, 10, 3.
- Forfeiture—not to extend beyond life of party attainted, 3, 3, 2.
- Formation of new States—provisions for, 4, 3, 1.
- Form of government—States in Union to be guaranteed republican, 4, 4.
 States to be protected from invasion and domestic violence, 4, 4.
- Forts—exclusive legislation by Congress over sites, 1, 8, 17.
- Freedom of speech and of the press—guaranteed, Am. 1.
- Fugitives—from justice to be delivered up, 4, 2, 2.
 from service or labor to be delivered up, 4, 2, 3.
- General welfare—purpose of Constitution to secure, Preamble.
 • Congress shall have power to provide for, 1, 8, 1.
- Georgia—Representatives in first Congress, 1, 2, 3.
- Gold and silver coin—restriction on States as to tender in payment, 1, 10, 1.
- Government of States—republican form guaranteed, 4, 4.
 protection from invasion or domestic violence, 4, 4.
- Grand jury—crimes to be tried on presentment of, Am. 5.
 exceptions as to land and naval forces and militia, Am. 5.
- Guarantee—of republican form of Government to States, 4, 4.
 of protection of States from invasion and domestic violence, 4, 4.
- Habeas corpus—writ not to be suspended, unless, 1, 9, 2.
- Heads of departments—may be vested with power to appoint officers, 2, 2, 2.
 President may require written opinions from, 2, 2, 1.
- High crimes and misdemeanors—removal of officers on impeachment for, 2, 4.
- House of Representatives—composed of members chosen every second year, 1, 2, 1.
 qualification of electors, 1, 2, 1.
 qualification of member, age, and residence, 1, 2, 2.
 State executives to issue writs of election, 1, 2, 4.
 shall choose speaker and other officers, 1, 2, 5.
 shall have sole power of impeachment, 1, 2, 5.
 shall judge elections, returns, and qualifications of its members, 1, 3, 1.
 • a majority to constitute a quorum, 1, 5, 1.
 less, may adjourn from day to day, 1, 5, 1.
 may determine its rules of proceeding, 1, 5, 2.
 may punish for disorderly behavior, or expel a member, 1, 5, 2.
 shall keep journal of proceedings, 1, 5, 3.
 restriction on power to adjourn, 1, 5, 4.
 members not to be questioned for speech or debate, 1, 6, 1.
 United States official not eligible to membership, 1, 6, 2.
 members ineligible to offices created during their membership, 1, 6, 2.
 bills for raising revenue to originate in, 1, 7, 1.
 votes for President and Vice-President to be counted in presence of, Am. 12.
 when and how to choose President, Am. 12.
 vote to be taken by States, Am. 12.
 quorum in such case, what to constitute, Am. 12.

House of Representatives—Continued.

majority of States necessary to choice, Am. 12.
disability to membership by participation in rebellion, Am. 14, 3.
Congress may remove disability, Am. 14, 3.

Immunities—privilege of member of Congress from arrest, 1, 10, 3.

soldiers not to be quartered in time of peace, 3.
no person to be twice in jeopardy for same offense, 5.
who are citizens of United States, Am. 14, 1.
privileges and immunities of citizens not to be abridged, Am. 14, 1.
State not to deprive of life, liberty, or property without due
process of law, Am. 14, 1.

nor deny the equal protection of the law, Am. 14, 1.

Impeachment—House to have sole power of, 1, 2, 5.

Senate the sole power to try, 1, 3, 6.
to be on oath or affirmation, 1, 3, 6.
when Chief Justice to preside, 1, 3, 6.
two-thirds necessary for conviction, 1, 3, 6.
judgment, extent of on conviction, 1, 3, 7.

Judgment, not to bar indictment and punishment, 1, 3, 7.

Importation of slaves—restriction on power of Congress, 1, 9, 1.

tax may be imposed, 1, 9, 1.

Imports or exports—State shall not lay without consent of Congress,

1, 10, 2.
of land by State, for use of Treasury, 1, 10, 2.
shall be subject to revision of Congress, 1, 10, 2.

Imposts and excises—Congress shall have power to lay and collect,

1, 8, 1.
to be uniform throughout States, 1, 8, 1.

Indian tribes—Congress to regulate commerce with, 1, 8, 3.**Indictment, or presentment—essential to trial for capital or infamous**
crime, Am. 5.
except in cases in land and naval forces and militia, Am. 5.
of person convicted on impeachment, 1, 3, 7.**Inferior courts—power of Congress to establish, 1, 8, 9.**

Judicial power vested in, 3, 1.

Judges to hold office during good behavior, 3, 1.

compensation not to be diminished during official term, 3, 1.

Inferior officers—Congress may invest appointment of where they
think proper, 2, 2, 2.**Insurrections—Congress to provide for suppression of, 1, 8, 15.**

participants in, disqualification for office, Am. 14, 3.

Congress may remove disabilities, Am. 14, 3.

debts contracted in aid of, void, Am. 14, 4.

Invasion—State, when may engage in war, 1, 10, 3.

writ of *habeas corpus*, suspension of, 1, 9, 1.

Congress may call militia out to repel, 1, 8, 15.

United States to protect each State against, 4, 4.

Inventors—Congress to pass laws to secure rights to, 1, 8, 8.**Involuntary servitude—abolition of, except for crime, Am. 13, 1.****Jeopardy of life and limb—person not to be twice subject to, Am. 5.****Journal of proceedings—each House to keep, 1, 5, 3.****Judges—of United States courts to hold office during good behavior, 3, 1.**

compensation not to be diminished during term, 3, 1.

in every State bound by Constitution, laws, and treaties of United

States, 6, 2.

- Judgment**—in impeachment cases to extend only to removal from office, Art. I. Sec. 3, ¶7.
not a bar to indictment and trial at law, 1, 3, 7.
- Judicial power**—Congress may constitute inferior tribunals, 1, 8, 9.
lodged in Supreme and inferior courts, 3, 1.
judges to hold office during good behavior, 3, 1.
compensation not to be diminished during continuance in office, 3, 1.
to extend to cases in law and equity, 3, 2, 1.
to cases arising under Constitution, laws, and treaties, 3, 2, 1.
to all cases affecting ambassadors, ministers, and consuls, 3, 2, 1.
to all admiralty and maritime cases, 3, 2, 1.
to controversies to which United States is a party, 3, 2, 1.
to controversies between States, 3, 2, 1.
to controversies between a State and citizens of another State, 3, 2, 1.
or between a State or its citizens and foreign States or citizens, 3, 2, 1.
in cases affecting ambassadors, etc., Supreme Court to have original jurisdiction, 3, 2, 2.
in all other cases to have appellate jurisdiction, 3, 2, 2.
trial of crimes, except in cases of impeachment, to be by jury, 3, 2, 2.
trial to be held in State where crime committed, 3, 2, 3.
when not committed within State Congress may direct, 3, 2, 3.
not to extend to cases against a State by citizens of another State or a foreign State, Am. 11.
- Judicial proceedings**—of States, full faith and credit to be given to, 4, 1.
manner of proving may be prescribed by Congress, 4, 1.
- Judicial officers**—to be bound by oath to support Constitution, 6, 3.
- Jurisdiction**—of Supreme Court, appellate and original, 3, 2, 2.
of inferior tribunals, 1, 8, 9.
- Jury**—trial of crimes except on impeachment to be by jury, 3, 2, 3.
accused to have speedy and public trial by, Am. 6.
suits at law where value over twenty dollars shall be tried by, Am. 7.
fact not to be re-examined except by rules of common law, Am. 7.
- Just compensation**—property not to be taken for public use without, Am. 5.
- Justice**—purpose of Constitution to establish, Preamble.
- Labor**—fugitives from, to be delivered up, 4, 2, 8.
- Land and naval forces**—Congress may govern and regulate, 1, 8, 14.
- Law of the land**—Constitution, laws, and treaties constitute, 6, 2.
judges in every State bound by, 6, 2.
- Law of nations**—offenses against, Congress may provide punishment for, 1, 8, 10.
- Laws**—Congress may provide for execution of, 1, 8, 15.
and of powers vested in Government or any department or officer, 1, 8, 18.
judicial power to extend to all cases arising under, 3, 2, 1.
- Legal tender**—State shall not make anything but gold and silver coin a, 1, 10, 1.
- Legislation**—exclusive in Congress over District of Columbia, 1, 8, 17.
and over places purchased for forts, arsenals, etc., 1, 8, 17.
Congress to make laws necessary for operation of powers of Government, 1, 8, 18.
may enforce article prohibiting slavery, Am. 13, 2.

- Legislation—Continued.**
may enforce Fourteenth Amendment, Am. 14, 5.
may enforce Fifteenth Amendment, Am. 15, 2.
- Legislative power**—to be vested in Congress, 1, 1.
- Letters of marque and reprisal**—Congress may grant, 1, 8, 11.
State prohibited from granting, 1, 10, 1.
- Liberty**—purpose of Constitution to secure, Preamble.
person not to be deprived of without due process of law, Am. 5.
- Life**—no person to be deprived of without due process of law, Am. 5.
no person to be twice put in jeopardy of, Am. 5.
same restriction on powers of States, Am. 14, 1.
- Loss of slave**—claim for illegal and void, Am. 14, 4.
- Magazines, arsenals, etc.**—Congress to have special legislation, 1, 8, 17.
- Majority**—of each House to constitute a quorum, 1, 5, 1.
smaller number may adjourn, and compel attendance, 1, 5, 1.
quorum of House in case of election of President, Am. 12.
of Senate in case of election of Vice-President, Am. 12.
two-thirds of Senate, on trial of impeachment, 1, 3, 6.
- Maritime jurisdiction**—judicial power to extend to, 3, 2, 1.
- Marque and reprisal**—Congress may grant letters of, 1, 8, 11.
no State shall grant letters of, 1, 10, 1.
- Maryland**—Representatives in first Congress, 1, 2, 3.
- Massachusetts**—Representatives in first Congress, 1, 2, 3.
- Measures**—Congress shall fix standard of, 1, 8, 5.
- Meeting of Congress**—at least once a year, 1, 4, 2.
- Members of Congress**—and of State legislatures to be bound by oath, 6, 3.
- Militia**—Congress shall provide for calling forth, 1, 8, 15.
shall provide for organizing, arming, and disciplining, 1, 8, 16.
shall provide for governing, 1, 8, 16.
to execute laws, suppress insurrections, and repel invasions, 1, 8, 16.
appointment of officers and training reserved to States, 1, 8, 16.
discipline to be preserved by Congress, 1, 8, 16.
right of people to bear arms not to be infringed, Am. 2.
- Misdemeanors**—impeachment and removal for, 2, 4.
- Money**—Congress may borrow on credit of United States, 1, 8, 2.
shall have power to coin, 1, 8, 5.
to be drawn from treasury only in consequence of appropriations, 1, 9, 7.
statement of receipts and expenditures to be published, 1, 9, 7.
no appropriation for armies to be for more than two years, 1, 8, 12.
- Nations**—power to regulate commerce with, 1, 8, 3.
power to punish offenses against law of, 1, 8, 10.
- Naturalization**—Congress to establish uniform rule of, 1, 8, 4.
citizens by, to be citizens of United States and States where reside, Am. 14, 1.
- Naval forces**—Congress shall make rules and regulations for, 1, 8, 14.
- Navy**—Congress to provide and maintain, 1, 8, 13.
- New Hampshire**—Representatives in first Congress, 1, 2, 3.
- New Jersey**—Representatives in first Congress, 1, 2, 3.

- New States**—may be admitted by Congress, 4, 3, 1. Art. 4, Sec. 3, ¶ 1.
not to be formed within jurisdiction of another without consent
of Congress, 4, 3, 1.
nor be formed by junction of two States without consent, 4, 3, 1.
- New York**—Representatives in first Congress, 1, 2, 3.
- Nobility**—titles of not to be granted by United States, 1, 9, 8.
no State to grant title of, 1, 10, 1.
- North Carolina**—Representatives in first Congress, 1, 2, 3.
- Number of electors**—for President and Vice President, 2, 1, 2.
- Oath of office of President**—form of, 2, 1, 7.
- Oath or affirmation**—warrants to be supported by, Am. 4.
to support the Constitution, 6, 3.
religious test not to be required as a qualification for office, 6, 3.
Senator on trial of impeachment to be on, 1, 3, 6.
- Objections by President**—on return of bill, 1, 7, 2..
- Obligation of contracts**—no State shall pass laws impairing, 1, 10, 1.
- Obligations incurred in aid of rebellion void**—Am. 14, 4.
- Offenses**—against law of nations, Congress may provide punishment
for, 1, 8, 10.
President may grant reprieves or pardons, 2, 2, 1.
no person to be put twice in jeopardy, Am. 5.
- Office**—who ineligible for member of Congress, 1, 6, 2.
Senator or Representative not eligible for other office, 1, 6, 2.
if created during his term, 1, 6, 2.
holder of not to accept present or emolument from foreign king,
etc., 1, 9, 8.
term of, of President and Vice-President, 2, 1, 1.
of President, when to devolve on Vice-President, 2, 1, 5.
who precluded from office of elector, 2, 1, 2.
vacancy in, when may be filled by President, 2, 2, 3.
commissions to expire at end of next session, 2, 2, 3.
who ineligible as Senator, representative, or Presidential elector,
Am. 14, 3.
- Officers**—Congress may vest appointment of inferior officers where it
thinks proper, 2, 2, 2.
removal on impeachment for certain crimes, 2, 4.
of House of Representatives to be chosen by itself, 1, 2, 5.
Senate to choose its own, 1, 3, 5.
- Opinion of officers**—of Executive departments, may be required by
President, 2, 2, 1.
- Orders**—resolutions and vote to be presented to President, 1, 7, 3.
- Original jurisdiction**—of Supreme Court, 3, 2, 2.
- Pardons**—President may grant except in cases of impeachment, 2, 2, 1.
- Patent rights**—Congress may pass laws securing, 2, 2, 1.
- Pensions and bounties**—debts for not to be questioned, Am. 14, 4.
- Pennsylvania**—Representatives at first Congress, 1, 2, 3.
- People**—Constitution formed by, Preamble.
right of peaceable assemblage shall not be abridged, Am. 1.
right to bear arms not to be infringed, Am. 2.
to be secure in person and property from unreasonable seizures
and search, Am. 4.

People—Continued.

enumeration of rights not to disparage others retained, Am. 9.
 powers not delegated to United States or prohibited to States are reserved, Am. 10.

Petition for redress—right not to be abridged, Am. 1.**Piracies—Congress may define and punish, 1, 8, 10.****Ports—preference not to be given by any regulation of commerce or revenue, 1, 9, 6.**

vessels clearing not to pay duties, 1, 9, 6.

Post-offices and post-roads—Congress shall establish, 1, 8, 7.**Powers—of Government department or officer, Congress may enforce by law, 1, 8, 18.**

of President, when to devolve on Vice-President, 2, 1, 5.

not delegated to United States nor prohibited to States are reserved to people, Am. 10.

enumeration of rights not to deny or disparage others retained, Am. 9.

Preference—not to be given to one port over another, 1, 9, 6.**Presentment or indictment—necessary to put party on trial, Am. 5.**
 except in cases in land and naval forces and militia, Am. 5.**President—Chief Justice to preside on impeachment of, 1, 3, 6.**

shall approve and sign all bills, 1, 7, 2.

or return any bill with his objections, 1, 7, 2.

if not returned within ten days to become a law, 1, 7, 2.

proceedings of two Houses in case of a veto, 1, 7, 2.

orders, resolutions, or votes, when to be presented to, 1, 7, 3.

proceedings on return the same as on a bill, 1, 7, 3.

executive power to be vested in, 2, 1, 1.

term of office four years, 2, 1, 1.

Vice-President, when to perform duties of, 2, 1, 5.

when Congress may designate officer to act as, 2, 1, 5.

compensation not to be increased or diminished during term of office, 2, 1, 6.

to take oath of office, 2, 1, 7.

commander-in-chief of army, navy, and militia, when called out, 2, 2, 1.

may require opinion of principal officer of departments, 2, 2, 1.

may grant reprieves or pardons, except in cases of impeachment, 2, 2, 1.

may make treaties by and with consent of Senate, 2, 2, 2.

may appoint officers by and with consent of Senate, 2, 2, 2.

may fill vacancies that happen in recess of Senate, 2, 2, 3.

commissions to fill vacancies, when to expire, 2, 2, 2.

to give information and recommend measures to Congress, 2, 3.

when may convene both or either House, 2, 3.

when may adjourn Congress, 2, 3.

shall receive ambassadors and public ministers, 2, 3.

shall take care that laws be faithfully executed, 2, 3.

shall commission all officers, 2, 3.

shall be removed on conviction on impeachment, 2, 4.

who eligible for office of, 2, 1, 4.

eligibility as to age and residence, 2, 1, 4.

President and Vice-President—manner of choosing, 2, 1, 2.

who disqualified to be elector, 2, 1, 2.

Congress may determine time of choosing electors, 2, 1, 3.

electors to meet and vote by ballot, Am. 12.

one at least not to be an inhabitant of State, Am. 12.

electors to name in distinct ballots persons voted for, Am. 12.

distinct lists of votes to be made, Am. 12.

DESTY'S FED. CON.—3.

- President and Vice-President**—*Continued.*
to be signed, certified, and transmitted to President of Senate,
Am. 12.
duty of President of Senate on receipt of returns, Am. 12.
person having greatest number of votes to be, Am. 12.
if he have a majority of electoral vote, Am. 12.
proceedings, if no person has a majority, Am. 12.
in choosing President by the Legislature, each State to have one
vote, Am. 12.
quorum for this purpose to be two-thirds of States, Am. 12.
and a majority of States required to elect, Am. 12.
in case of no choice being made, Vice-President to act, Am. 12.
- President of Senate**—Vice-President shall be, 1, 3, 4.
when Senate may choose *pro tempore*, 1, 3, 5.
shall have no vote except on equal division, 1, 3, 4.
duty on return of votes of Presidential electors, Am. 12.
- Press**—freedom of not to be abridged, 1.
- Private property**—not to be taken for public use without compensa-
tion, Am. 5.
- Privilege**—of members of Congress from arrest, except, 1, 6, 1.
members not to be questioned for speech or debate, 1, 6, 1.
- Privileges and immunities**—of citizens of States, 4, 2, 1.
soldiers not to be quartered without consent of owner, Am. 3.
persons not to be put twice in jeopardy for same offense, Am. 5.
citizens of United States are citizens of State where they reside,
Am. 14, 1.
not to be abridged by State laws, Am. 14, 1.
State not to deprive of life, etc., without due process of law,
Am. 14, 1.
nor deny to any person equal protection of the laws, Am. 14, 1.
- Prizes**—Congress may make rules concerning, 1, 8, 11.
- Process of law**—person not to be deprived of life, etc., without, Am. 5.
provision made applicable to States, Am. 14, 1.
for obtaining witnesses, rights of accused, Am. 6.
- Progress of science and art**—Congress to have power to promote, 1, 8, 8.
- Property of United States**—Congress may dispose of and make rules
and regulations for, 4, 3, 2.
- Prosecutions**—accused to have speedy and public trial, Am. 6.
to be tried by jury in State or district where crime was commit-
ted, Am. 6.
to be informed of nature and cause of accusation, Am. 6.
to be confronted with witnesses, Am. 6.
to have compulsory process for witnesses, Am. 6.
to have counsel for his defense, Am. 6.
- Public debt**—of United States; not to be questioned, Am. 14, 1.
- Public use**—property not to be taken for without just compensation,
Am. 5.
- Punishment**—judgment on impeachment not to bar trial, etc., 1, 3, 7.
cruel and unusual prohibited, Am. 8.
- Qualification for office**—no religious test shall be required as, 6, 3.
of electors and members of House of Representatives, 1, 2, 1.
of members of House as to age and inhabitancy, 1, 2, 2.
of Senators as to age and inhabitancy, 1, 3, 3.
each House to judge of, 1, 5, 1.
of President of United States, 2, 1, 4.
as to age and residence, 2, 1, 4.
of Vice-President, Am. 12.

Quorum—a majority of each House constitutes, Art. 1, Sec. 5, ¶ 1.
a less number may adjourn and compel attendance, 1, 5, 1.
in case of choice of President, Am. 12.
to elect Vice-President by Senate, Am. 12.
majority of whole number necessary for choice, Am. 12.

Race or color—rights of citizens not to be denied on account of, Am. 13, 1.

Ratification of amendments—what required, 5.
of Constitution, what sufficient, 7.

Ratio of representation—1, 2, 3.

how apportioned among the several States Am. 14, 2.
Indians not taxed excluded from count, Am. 14, 2.
when reduced, denial of right to vote, Am. 14, 2.

Rebellion—certain participant disabled from holding office, Am. 14, 3.
Congress may remove disability, Am. 14, 3.

debts incurred to suppress not to be questioned, Am. 14, 4.
debts incurred in aid of illegal and void, Am. 14, 4.
exception as to suspension of writ of *habeas corpus*, 1, 9, 2.

Receipts and expenditures—of public moneys to be published, 1, 9, 7.

Recess of Senate—President may commission to fill vacancies in office, 2, 2, 3.

Reconsideration of bill returned by President—1, 7, 2.

Records—of State, full faith and credit to be given to, 4, 1.
Congress shall prescribe manner of proving, 4, 1.

Redress of grievances—right to petition for cannot be abridged, Am. 1.

Regulations—for election of Senators and Representatives, 1, 4, 1.

Religion—Congress can make no law as to establishment of, Am. 1.

Religious tests—shall never be required as qualification for office, 6, 3.

Removal from office—on impeachment, 2, 1, 6.

of commerce and revenue, 1, 9, 6.

respecting territory ceded to United States, 4, 3, 2.

Representation and direct taxation—how apportioned, 1, 2, 3.

changed by amendment, Am. 14, 2.

until first enumeration, ratio of, 1, 2, 3.

State executive to issue writs of election to fill vacancies, 1, 2, 4.

no State to be deprived of equal in Senate, without consent, 5.

among several States, according to population, Am. 14, 2.

excluding Indians not taxed, Am. 14, 2.

basis reduced on denial of right to vote, Am. 14, 2.

Representatives—House of, a branch of Congress, 1, 1.

qualifications of electors of members, 1, 2, 1.

as to age and inhabitancy, 1, 2, 2.

how apportioned among States, 1, 2, 3.

changed by amendment, Am. 14, 2.

shall choose Speaker and other officers, 1, 2, 5.

shall have sole power of impeachment, 1, 2, 5.

State executive to issue writs of election to fill vacancies, 1, 2, 4.

legislatures to prescribe times, places, and manner of elections,

1, 4, 1.

Congress may alter regulations, except as to places, 1, 4, 1.

compensation of Senators to be ascertained by law, 1, 6, 1.

shall be privileged from arrest except, 1, 6, 1.

shall not be questioned for speech or debate, 1, 6, 1.

shall be ineligible for office created during their term, 1, 6, 2.

who ineligible to office of, 1, 6, 2.

bills for raising revenue to originate in House, 1, 7, 1.

Representatives—Continued.

ineligible to office of Presidential elector, Art. 2, Sec 1, ¶ 2.
 shall be bound by oath to support Constitution, 6, 3.
 provisions relative to apportionment of, Am. 14, 2.
 disability from participation in rebellion, Am. 14, 3.
 may be removed by Congress, Am. 14, 3.

Reprieves—President may grant, except, 2, 2, 1.**Reprisal—Congress may grant letters of, 1, 8, 11.**
 no State shall grant, 1, 10, 1.**Republican form of Government—guaranteed to States, 4, 4.****Reserved rights—enumeration of rights not to deny or disparage others retained, Am. 9.**
 powers not delegated to United States nor prohibited to States are reserved, Am. 10.**Resignation of President—Vice-President to act, 2, 1, 5.**

Congress may provide for case of, 2, 1, 5.

Resolution—concurrent, to be presented to President, 1, 7, 3.**Revenue bills—to originate in House, 1, 7, 1.**
 preference not to be given to ports, 1, 9, 6.**Rhode Island—Representative in first Congress, 1, 2, 3.****Right of petition—not to be abridged, Am. 1.****Right to bear arms—not to be infringed, Am. 2.****Rights enumerated—not to deny or disparage other retained, Am. 9.**
 not delegated to United States or prohibited to States are reserved, Am. 10.**Rules—of proceedings, each House may determine, 1, 5, 2.**
 and regulations respecting territory and property of United States, 4, 3, 2.
 of the common law, trials by jury, Am. 7.
 re-examination of facts by, Am. 7.**Science and art—Congress may promote progress of, 1, 8, 8.****Searches and seizures—security of people against, Am. 4.**
 warrants, what essential to, Am. 4.**Seat of Government—exclusive legislation of Congress over, 1, 8, 17.****Securities—punishment for counterfeiting, 1, 8, 6.****Senate and House of Representatives—components of Congress, 1, 1.****Senate—composed of two Senators from each State, 1, 3, 1.**
 chosen by Legislatures for six years, 1, 3, 1.
 State Executive may fill vacancies, 1, 3, 2.
 Vice-President to be President of, 1, 3, 4.
 to choose officers and President *pro tempore*, 1, 3, 5.
 to have sole power to try impeachments, 1, 3, 6.
 on such trial to be on oath or affirmation, 1, 3, 6.
 Chief Justice to preside on trial of President, 1, 3, 6.
 concurrence of two-thirds required for conviction, 1, 3, 6.
 shall be judge of returns and qualifications of its members, 1, 5, 1.
 majority to constitute a quorum, 1, 5, 1.
 smaller number may adjourn and compel attendance, 1, 5, 1.
 may determine rules of its proceedings, 1, 5, 2.
 may punish or expel a member, 1, 5, 2.
 to keep journal of its proceedings, 1, 5, 3.
 to publish the same, except, 1, 5, 3.
 restriction on power to adjourn, 1, 5, 4.
 may propose amendments to revenue bills, 1, 7, 1.

Senate—Continued.

shall advise and consent to ratification of treaties, Art. 2, Sec. 2,
¶ 2.

shall advise and consent to appointment of ambassadors, etc.,
2, 2, 2.

and Judges of Supreme Court and other officers, 2, 2, 2.

when may be convened by President, 2, 3, 1.

no State without its consent to be deprived of its equal suffrage

in, 5.

Senators—to be divided into three classes, 1, 3, 2.

seats of classes, when vacated, 1, 3, 2.

qualification as to age and inhabitancy, 1, 3, 3.

times, places, and manner of choosing, how fixed, 1, 4, 1.

Congress may alter except as to places, 1, 4, 1.

executive, when may fill vacancies, 1, 3, 2.

appointees' tenure of office, 1, 3, 2.

to be privileged from arrest, except, 1, 6, 1.

compensation to be ascertained by law, 1, 6, 1.

shall not be questioned for speech or debate, 1, 6, 1.

ineligible to offices created during term of service, 1, 6, 2.

who ineligible to office of, 1, 6, 2.

ineligible to office of presidential elector, 2, 1, 2.

shall be bound by oath to support the Constitution, 6, 3.

certain persons disqualified, Am. 14, 3.

Congress may remove disability, Am. 14, 3.

Service or labor—delivery up of fugitives from, 4, 2, 3.

Servitude—involuntary, except for crime, abolished, Am. 13, 1.

rights of citizens not to be abridged on account of prior condition of, Am. 15, 1.

Ships of war—States shall not keep, 1, 10, 3.

Slave—claim for loss or emancipation of, void, Am. 14, 4.

Slavery—abolished, Am. 13, 1.

Soldiers—not to be quartered in any house without consent of owner, Am. 3.

South Carolina—Representatives in first Congress, 1, 2, 3.

Speaker—House to choose Speaker and other officers, 1, 2, 5.

Speech—Congress not to abridge freedom of, Am. 1.

Standard of weights and measures—Congress shall fix, 1, 8, 5.

States—executives shall issue writs of election to fill vacancies in

House, 1, 2, 4.

commerce among to be regulated by Congress, 1, 8, 3.

shall not enter into treaties, alliance, or confederation, 1, 10, 1.

shall not grant letters of marque or reprisal, 1, 10, 1.

shall not coin money, 1, 10, 1.

shall not emit bills of credit, 1, 10, 1.

restriction as to making a legal tender, 1, 10, 1.

shall not pass bills of attainder, 1, 10, 1.

or *ex post facto* law, 1, 10, 1.

or law impairing obligation of contracts, 1, 10, 1.

shall not grant any title of nobility, 1, 10, 1.

shall not, without consent of Congress, lay duties on imports or

exports, 1, 10, 2.

except where absolutely necessary, 1, 10, 2.

nor lay any duty on tonnage, 1, 10, 3.

nor keep troops or ships of war in time of peace, 1, 10, 3.

nor enter into compact or agreement with other State, 1, 10, 3.

nor levy war unless actually invaded, 1, 10, 3.

or in imminent danger, 1, 10, 3.

full faith and credit to be given to acts, records, etc., of, 4, 1.

citizens entitled to privileges and immunities in common, 4, 2, 1.

States—Continued.

new States may be admitted, Art. 4, Sec. 3, ¶ 1.
 but cannot be formed within jurisdiction of another, 4, 3, 1.
 nor by junction of States or parts of States without consent,
 4, 3, 1.
 nor without its consent can a State be deprived of its equal suffrage in Senate, 5.
 three-fourths of may ratify amendments, 5.
 republican Government guaranteed to, 4, 4.
 to be protected from invasion, 4, 4.
 and on their application against domestic violence, 4, 4.
 ratification Constitution, 7
 powers not delegated to United States nor prohibited to States
 are reserved, Am. 10.

Supreme Court—judicial power vested in, 3, 1.

judges to hold office during good behavior, 3, 1.
 compensation of judges not to be diminished during term, 3, 1.
 original jurisdiction in certain cases, 3, 2, 2.
 appellate jurisdiction, regulations of Congress, 3, 2, 2.

Supreme law—Constitution, laws, and treaties to be, 6, 2.

judges in every State bound by, 6, 2.

**Suppression of insurrection—Congress to provide for, 1, 8, 15.
 debt incurred for not to be questioned, Am. 14, 4.****Taxes—how apportioned among the States, 1, 2, 3.**

capitation or direct to be in proportion to census, 1, 9, 4.
 not to be laid on articles exported, 1, 9, 5.
 Congress shall have power to levy and collect, 1, 8, 1.
 to be uniform throughout the United States, 1, 8, 1.

Temporary appointment—may be made in vacancies in Senate, 1, 3, 2.**Tender in payment—restriction on power of State, 1, 10, 1.****Term of office—of President and Vice-President, 2, 1, 1.
 of Representatives, 1, 2, 1.
 of Senators, 1, 3, 1.****Territory—Congress to dispose of and make rules for, 4, 3, 2.****Testimony—necessary to conviction for treason, 3, 3, 1.****Times, places, and manner—of elections to Congress, 1, 4, 1.
 Congress may alter regulations, except, 1, 4, 1.****Title of nobility—United States shall not grant, 1, 9, 8.
 no State shall grant, 1, 10, 1.**

United States official not to accept from any king, etc., 1, 9, 8.

Tonnage—restriction on State as to duty of, 1, 10, 3.**Tranquillity—purpose of Constitution to insure, Preamble.****Treason—in what consists, 3, 3, 1.**

testimony necessary to convict of, 3, 3, 1.
 Congress to declare punishment for, 3, 3, 2.
 attainer or not to work corruption of blood, 3, 3, 2.
 shall not work forfeiture except during life, 3, 3, 2.
 removal from office on conviction of, 2, 4, 1.
 privilege from arrest not to extend to cases of, 1, 6, 1.

Treasury—money drawn from only in consequence of appropriation, 1, 9, 7.

accounts of receipts and expenditures to be published, 1, 9, 7.

**Treaties—President, with concurrence of Senate, may make, 2, 2, 2.
 judicial power to extend to cases under, 3, 2, 1.
 to be supreme law binding on all judges, 6, 2.**

- Treaty**—no State shall enter into, Art. 1, Sec. 10, ¶ 1.
Trial—and judgment after conviction on impeachment, 1, 3, 7.
Trial by jury—of all crimes except cases of impeachment, 3, 2, 3.
 to be held in State where crime was committed, 3, 2, 3.
 when not committed within a State, to be where Congress directs,
 3, 2, 3.
 of accused to be speedy and public, Am. 6.
 in suits at common law, Am. 7.
Tribunals—inferior to Supreme Court, Congress may establish, 1, 8, 9.
Troops—State shall not keep in time of peace, 1, 10, 3.
Two-thirds—of Senate to concur in conviction on impeachment, 1, 3, 6.
 of each House may expect a member, 1, 5, 2.
 may pass a bill over President's veto, 1, 7, 2.
 concurrence required to make treaty, 2, 2, 2.
 of States, for call of convention to propose amendments, 5.
 of both Houses may propose amendments, 5.
 of States represented, required for choice of President by
 House, Am. 12.
 of Senators required for election of Vice-President, Am. 12.
 of Congress may remove disability to office, Am. 14, 3.
Union—purpose of Constitution to establish more perfect, Preamble.
 state of, to be given to Congress by President, 2, 3, 1.
 new States may be admitted into, 4, 3, 1.
 restriction as to formation of new States, 4, 3, 1.
Unreasonable searches and seizures—prohibited, Am. 4.
Unusual punishments—not to be inflicted, Am. 8.
Useful arts—Congress to promote progress of, 1, 8, 8.

Vacancy—in representation, Executive to issue writs of election to
 fill, 1, 2, 4.
 in Senate, how filled, 1, 3, 2.
 during recess of Senate to be filled by commission, 2, 2, 3.
Validity of public debt—not to be questioned, Am. 14, 4.
Vessels—from port of one State not to be obliged to pay duties in
 another, 1, 9, 6.
Veto—of bill by President, proceedings of Congress on, 1, 7, 2.
Vice-President—to be President of Senate, 1, 3, 4.
 to have no vote except on equal division, 1, 3, 4.
 Senate may choose President *pro tempore*, 1, 3, 5.
 to be chosen for four years, 2, 1, 1.
 number of electors and manner of appointing, 2, 1, 2.
 duties of President, when to devolve on, 2, 1, 5.
 Congress may provide by law for appointment of uncertain cases,
 2, 1, 5.
 removal from office by impeachment, 2, 4.
 manner of choosing, by electors, Am. 12.
 to be named by electors in distinct ballots, Am. 12.
 distinct lists to be signed, certified, and sent to President of
 Senate, Am. 12.
 count of votes by President of Senate, Am. 12.
 person having greatest number of votes to be, Am. 12.
 if no person have majority, Senate to choose, Am. 12.
 quorum for such purpose to be two-thirds, Am. 12.
 majority or whole number necessary to a choice, Am. 12.
 when to act as President, Am. 12.
 eligibility to office of, Am. 12.

Virginia—representation in first Congress, Art. 1, Sec. 2, ¶ 3.

Vote—each Senator shall have one, 1, 3, 1.

Vice-President not to have, except on equal division, 1, 3, 4.
requiring concurrence of two Houses to be presented to President, 1, 7, 3.

right to, not to be abridged by reason of race, color, etc., Am. 15, 1.

each House may expel a member by two-thirds, 1, 5, 2.

bill vetoed may be passed by a two-thirds, 1, 7, 2.

of two-thirds required for conviction on impeachment, 1, 3, 6.

two-thirds of Congress necessary to propose amendments, 5.

consent of two-thirds Senate necessary to make treaty, 2, 2, 2.

two-thirds necessary to remove disability for office, Am. 14, 3.

War—power of Congress to declare, 1, 8, 11.

power to make rules and articles of, 1, 8, 14.

no State, without consent of Congress, to engage in, 1, 10, 3.

treason consists in levying, 3, 3, 1.

Warrants—to issue only on probable cause, Am. 4.

on oath or affirmation, Am. 4.

Weights and measures—Congress to fix standard of, 1, 8, 5.

Welfare—purpose of Constitution to secure, Preamble.

Congress shall have power to provide for, 1, 8, 1.

Witnesses—no person to be compelled to testify against himself, Am. 5.

accused to be confronted by, Am. 6.

accused to have compulsory process for, Am. 6.

testimony necessary for conviction for treason, 3, 3, 1.

Writs—of election to fill vacancies in representation, 1, 2, 4.

Written opinion—of heads of departments, President may require, 2, 2, 1.

Yea and nays—at desire of one-fifth to be entered on journals, 1, 5, 2.
passage over veto to be determined by, 1, 7, 2.

THE
Constitutions of California

Constitution of California.

ADOPTED BY THE CONVENTION, OCTOBER 10TH, 1849;
RATIFIED BY THE PEOPLE, NOVEMBER 13TH,
1849; PROCLAIMED, DECEMBER 20TH,
1849; AND AMENDED IN 1857,
1862, AND 1871.

P R E A M B L E.

We, the people of California, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this Constitution.

ARTICLE I. DECLARATION OF RIGHTS.

§ 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness.

§ 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.

Constitution

OF THE
STATE OF CALIFORNIA

ADOPTED IN CONVENTION, AT SACRAMENTO, MARCH
3RD, A. D. 1879; RATIFIED BY A VOTE
OF THE PEOPLE ON WEDNESDAY,
MAY 7TH, 1879.

PREAMBLE AND DECLARATION OF RIGHTS. **PREAMBLE.**

We, the people of the State of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution.

ARTICLE I. **DECLARATION OF RIGHTS.**

§ 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety and happiness.

§ 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.

§ 3. The State of California is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land.

§ 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

§ 5. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

§ 7. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great.

§ 6. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishments be inflicted; nor shall witnesses be unreasonably detained.

§ 3. The right of trial by jury shall be secured to all, and remain inviolate forever; but a jury trial may be waived by the parties, in all civil cases, in the manner to be prescribed by law.

§ 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions on indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

§ 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be guaranteed in this State; and no person shall be rendered incompetent to be a witness or juror on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

§ 5. The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require its suspension.

§ 6. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishments be inflicted. Witnesses shall not be unreasonably detained, nor confined in any room where criminals are actually imprisoned.

§ 7. The right of trial by jury shall be secured to all, and remain inviolate; but in civil actions three-fourths of the jury may render a verdict. A trial by jury may be waived in all criminal cases, not amounting to felony, by the consent of both parties, expressed in open court, and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions, and cases of misdemeanor, the jury may consist of twelve, or of any number less than twelve upon which the parties may agree in open court.

§ 8. Offenses heretofore required to be prosecuted by indictment shall be prosecuted by information, after examination and commitment by a magistrate, or by indictment, with or without such examination and commitment, as may be prescribed by law. A grand jury shall be drawn and summoned at least once a year in each county.

§ 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact. Indictments found, or

S 10. The people shall have the right freely to assemble together to consult for the common good, to instruct their Representatives, and to petition the Legislature for redress of grievances.

S 11. All laws of a general nature shall have a uniform operation.

S 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace; and, in time of war, no appropriation for a standing army shall be for a longer time than two years.

S 13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner to be prescribed by law.

S 8. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature) unless on presentment or indictment of a Grand Jury; and, in any trial in any Court whatever, the party accused shall be allowed to appear and defend, in person and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

information laid, for publications in newspapers shall be tried in the county where such newspapers have their publication office, or in the county where the party alleged to be libeled resided at the time of the alleged publication, unless the place of trial shall be changed for good cause.

S 10. The people shall have the right to freely assemble together to consult for the common good, to instruct their Representatives, and to petition the Legislature for redress of grievances.

S 11. All laws of a general nature shall have a uniform operation.

S 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace, and no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

S 13. In criminal prosecutions, in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the Court to compel the attendance of witnesses in his behalf, and to appear and defend, in person and with counsel. No person shall be twice put in jeopardy for the same offense; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law. The Legislature shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses in criminal cases, other than cases of homicide, when there is reason to believe that the witness, from inability or other cause, will not attend at the trial.

S 14. Private property shall not be taken or damaged for public use without just compensation having been first made to, or paid into court, for the owner, and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law.

§ 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud; and no person shall be imprisoned for a militia fine in time of peace.

§ 16. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

§ 17. Foreigners who are or who may hereafter become bona fide residents of this State, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native born citizens.

§ 18. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

§ 19. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue, but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

§ 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open Court.

§ 21. This enumeration of rights shall not be construed to impair or deny others retained by the people.

S 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud, nor in civil actions for torts, except in cases of willful injury to person or property; and no person shall be imprisoned for a militia fine in time of peace.

S 16. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

S 17. Foreigners of the white race or of African descent, eligible to become citizens of the United States under the naturalization laws thereof, while bona fide residents of this State, shall have the same rights in respect to the acquisition, possession, enjoyment, transmission, and inheritance of property as native-born citizens.

S 18. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

S 19. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue, but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

S 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court.

S 21. No special privileges or immunities shall ever be granted which may not be altered, revoked, or repealed by the Legislature; nor shall any citizen, or class of citizens, be granted privileges or immunities which, upon the same terms, shall not be granted to all citizens.

S 22. The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

S 23. This enumeration of rights shall not be construed to impair or deny others retained by the people.

S 24. No property qualification shall ever be required for any person to vote or hold office.

ARTICLE II.

RIGHT OF SUFFRAGE.

S 1. Every white male citizen of the United States, and every white male citizen of Mexico who shall have elected to become a citizen of the United States, under the treaty of peace exchanged and ratified at Queretaro, on the thirtieth day of May, eighteen hundred and forty-eight, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county or district in which he claims his vote thirty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law; *provided*, that nothing herein contained shall be construed to prevent the Legislature, by a two-thirds concurrent vote, from admitting to the right of suffrage Indians, or the descendants of Indians, in such special cases as such a proportion of the legislative body may deem just and proper.

S 5. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

S 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

S 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

S 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept at any almshouse, or other asylum, at public expense; nor while confined in any public prison.

S 6. All elections by the people shall be by ballot.

ARTICLE III.

DISTRIBUTION OF POWERS.

S 1. The powers of the Government of the State of California shall be divided into three separate departments: the Legislative, the Executive, and Judicial; and

ARTICLE II.**RIGHT OF SUFFRAGE.**

§ 1. Every native male citizen of the United States, every male person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every male naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county in which he claims his vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native of China, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money, shall ever exercise the privileges of an elector in this State.

§ 2. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

§ 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

§ 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept at any almshouse or other asylum, at public expense; nor while confined in any public prison.

§ 5. All elections by the people shall be by ballot.

ARTICLE III.**DISTRIBUTION OF POWERS.**

§ 1. The powers of the Government of the State of California shall be divided into three separate departments — the legislative, executive, and judicial; and no person

no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases hereinafter expressly directed or permitted.

ARTICLE IV.
LEGISLATIVE DEPARTMENT.

§ 1. The Legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California, and the enacting clause of every law shall be as follows: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

§ 2. The sessions of the Legislature shall be biennial, and shall commence on the first Monday of December next ensuing the election of its members, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation. No session shall continue longer than one hundred and twenty days. [1862.]

[Amended 1862. The original provided for annual sessions, beginning on first Monday of January.]

§ 3. The members of the Assembly shall be chosen biennially, by the qualified electors of their respective districts, on the first Wednesday in September, unless otherwise ordered by the Legislature, and their term of office shall be two years. [1862.]

[Amended 1862. The original provided for annual elections on the first Tuesday after the first Monday in November.]

§ 4. Senators and members of Assembly shall be duly qualified electors in the respective counties and districts which they represent.

§ 5. Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly; and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State and of the county or district for which he shall be chosen one year next before his election.

[Amended 1862. Original made term of two years, and residence in county or district of six months.]

charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except as in this Constitution expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

§ 1. The legislative power of this State shall be vested in a Senate and Assembly, which shall be designated The Legislature of the State of California, and the enacting clause of every law shall be as follows: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

§ 2. The sessions of the Legislature shall commence at twelve o'clock M. on the first Monday after the first day of January next succeeding the election of its members, and, after the election held in the year eighteen hundred and eighty shall be biennial, unless the Governor shall, in the interim, convene the Legislature by proclamation. No pay shall be allowed to members for a longer time than sixty days, except for the first session after the adoption of this Constitution, for which they may be allowed pay for one hundred days. And no bill shall be introduced, in either House, after the expiration of ninety days from the commencement of the first session, nor after fifty days after the commencement of each succeeding session, without the consent of two-thirds of the members thereof.

§ 3. Members of the Assembly shall be elected in the year eighteen hundred and seventy-nine, at the time and in the manner now provided by law. The second election of members of the Assembly, after the adoption of this Constitution, shall be on the first Tuesday after the first Monday in November, eighteen hundred and eighty. Thereafter, members of the Assembly shall be chosen biennially, and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the Legislature.

§ 4. Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly, and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State three years, and of the district for which he shall be chosen one year, next before his election.

§ 6. The number of Senators shall not be less than one-third, nor more than one-half, of that of the members of the Assembly; and at the first session of the Legislature after this section takes effect, the Senators shall be divided by lot, as equally as may be, into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, so that one-half shall be chosen biennially.

[Amended 1862. Original provided for annual election.]

§ 7. When the number of Senators is increased they shall be apportioned by lot, so as to keep the two classes as nearly equal in number as possible.

ARTICLE I.

§ 14. Representation shall be apportioned according to population.

ARTICLE IV.

§ 28. The enumeration of the inhabitants of this State shall be taken, under the direction of the Legislature, in the year one thousand eight hundred and fifty-two and one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and these enumerations, together with the census that may be taken under the direction of the Congress of the United States, in the year one thousand eight hundred and fifty and every subsequent ten years, shall serve as the basis of representation in both Houses of the Legislature.

§ 29. The number of Senators and members of Assembly shall, at the first session of the Legislature held after the enumerations herein provided for are made, be fixed by the Legislature, and apportioned among the several counties and districts to be established by law, according to the number of white inhabitants. The number of members of Assembly shall not be less than twenty-four, nor more than thirty-six, until the number of inhabitants within this State shall amount to one hundred thousand; and, after that period, in such ratio that the whole number of members of Assembly shall never be less than thirty nor more than eighty.

SCHEDULE.

§ 14. Until the Legislature shall divide the State into counties and Senatorial and Assembly Districts, as directed by this Constitution, the following shall be the

§ 5. The Senate shall consist of forty members, and the Assembly of eighty members, to be elected by districts, numbered as hereinafter provided. The seats of the twenty Senators elected in the year eighteen hundred and eighty-two from the odd-numbered districts shall be vacated at the expiration of the second year, so that one-half of the Senators shall be elected every two years; *provided*, that all the Senators elected at the first election under this Constitution shall hold office for the term of three years.

§ 6. For the purpose of choosing members of the Legislature, the State shall be divided into forty senatorial and eighty assembly districts, as nearly equal in population as may be, and composed of contiguous territory, to be called senatorial and assembly districts. Each senatorial district shall choose one Senator, and each assembly district shall choose one member of Assembly. The senatorial districts shall be numbered from one to forty, inclusive, in numerical order, and the assembly districts shall be numbered from one to eighty, in the same order, commencing at the northern boundary of the State, and ending at the southern boundary thereof. In the formation of such districts, no county, or city and county, shall be divided, unless it contain sufficient population within itself to form two or more districts; nor shall a part of any county, or of any city and county, be united with any other county, or city and county, in forming any district. The census taken under the direction of the Congress of the United States, in the year one thousand eight hundred and eighty, and every ten years thereafter, shall be the basis of fixing and adjusting the legislative districts; and the Legislature shall, at its first session after each census, adjust such districts and reapportion the representation so as to preserve them as near equal in population as may be. But in making such adjustment no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, Senators and Assemblymen shall be elected by the districts according to the apportionment now provided for by law.

apportionment of the two Houses of the Legislature, viz: The Districts of San Diego and Los Angeles shall jointly elect two Senators; the Districts of Santa Barbara and San Luis Obispo shall jointly elect one Senator; the District of Monterey, one Senator; the District of San José, one Senator; the District of San Francisco, two Senators; the District of Sonoma, one Senator; the District of Sacramento, four Senators; and the District of San Joaquin, four Senators. And the District of San Diego shall elect one member of the Assembly; the District of Los Angeles, two members of Assembly; the District of Santa Barbara, two members of Assembly; the District of San Luis Obispo, one member of Assembly; the District of Monterey, two members of Assembly; the District of San José, three members of Assembly; the District of San Francisco, five members of Assembly; the District of Sonoma, two members of Assembly; the District of Sacramento, nine members of Assembly; and the District of San Joaquin, nine members of Assembly.

ARTICLE IV.

S 8. Each House shall choose its own officers, and judge of the qualifications, elections, and returns of its own members.

S 9. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each House may provide.

S 10. Each House shall determine the rules of its own proceedings, and may, with the concurrence of two-thirds of all the members elected, expel a member.

S 11. Each House shall keep a journal of its own proceedings, and publish the same; and the yeas and nays of the members of either House on any question shall, at the desire of any three members present, be entered on the Journal.

S 12. Members of the Legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

S 7. Each House shall choose its officers, and judge of the qualifications, elections, and returns of its members.

S 8. A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties, as each House may provide.

S 9. Each House shall determine the rule of its proceeding, and may, with the concurrence of two-thirds of all the members elected, expel a member.

S 10. Each House shall keep a Journal of its proceedings, and publish the same, and the yeas and nays of the members of either House, on any question, shall, at the desire of any three members present, be entered on the Journal.

S 11. Members of the Legislature shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

§ 13. When vacancies occur in either House, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

§ 14. The doors of each House shall be open, except on such occasions as, in the opinion of the House, may require secrecy.

§ 15. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

§ 16. Any bill may originate in either House of the Legislature, and all bills passed by one House may be amended in the other.

§ 17. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it, but if not he shall return it, with his objections, to the House in which it originated, which shall enter the same upon the Journal, and proceed to reconsider it. If, after such reconsideration, it again pass both Houses, by yeas and nays, by a majority of two-thirds of the members of each House present, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall be a law, in like manner as if he had signed it, unless the Legislature, by adjournment, prevent such return.

§ 12. When vacancies occur in either House, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

§ 13. The doors of each House shall be open, except on such occasions as, in the opinion of the House, may require secrecy.

§ 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which they may be sitting. Nor shall the members of either House draw pay for any recess or adjournment for a longer time than three days.

§ 15. No law shall be passed except by bill. Nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; nor shall any bill become a law unless the same be read on three several days in each House, unless, in case of urgency, two-thirds of the House where such bill may be pending shall, by a vote of yeas and nays, dispense with this provision. Any bill may originate in either House, but may be amended or rejected by the other; and on the final passage of all bills they shall be read at length, and the vote shall be by yeas and nays upon each bill separately, and shall be entered on the Journal; and no bill shall become a law without the concurrence of a majority of the members elected to each House.

§ 16. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, which shall enter such objections upon the Journal and proceed to reconsider it. If, after such reconsideration, it again pass both Houses, by yeas and nays, two-thirds of the members elected to each House voting therefor, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevents such return, in which case it shall not become a law, unless the Governor, within ten days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If

§ 18. The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

§ 19. The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Surveyor General, Justices of the Supreme Court, and Judges of the District Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall, nevertheless, be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanors in office in such a manner as the Legislature may provide.

§ 20. No Senator or member of Assembly shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State which shall have been created or the emoluments of which shall have been increased during such term, except such offices as may be filled by election by the people.

§ 21. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; *provided*, that officers in the militia to which there is attached no annual salary, or local officers and Postmasters, whose compensation does not exceed five hundred dollars per annum, shall not be deemed lucrative.

§ 22. No person who shall be convicted of the embezzlement or defalcation of the public funds of this State

any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriation so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the House in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor.

S 17. The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members elected.

S 18. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, Chief Justice and Associate Justices of the Supreme Court, and Judges of the Superior Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.

S 19. No Senator or member of Assembly shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State which shall have been created, or the emoluments of which have been increased, during such term, except such offices as may be filled by election by the people.

S 20. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; *provided*, that officers in the militia, who receive no annual salary, local officers, or Postmasters whose compensation does not exceed five hundred dollars per annum, shall not be deemed to hold lucrative offices.

S 21. No person convicted of the embezzlement or defalcation of the public funds of the United States, or of

shall ever be eligible to any office of honor, trust, or profit under this State; and the Legislature shall, as soon as practicable, pass a law providing for the punishment of such embezzlement or defalcation as a felony.

S 23. No money shall be drawn from the Treasury but in consequence of appropriations made by law. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws at every regular session of the Legislature.

•

S 24. The members of the Legislature shall receive for their services a compensation to be fixed by law, and paid out of the public Treasury; but no increase of the compensation shall take effect during the term for which the members of either House shall have been elected.

S 25. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title; and no law shall be revised or amended by reference

any State, or of any county or municipality therein, shall ever be eligible to any office of honor, trust, or profit under this State, and the Legislature shall provide, by law, for the punishment of embezzlement or defalcation as a felony.

S 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State treasury for the use or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State; *provided*, that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have the power to grant aid to institutions conducted for the support and maintenance of minor orphans, or half orphans, or abandoned children, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; *provided further*, that the State shall have, at any time, the right to inquire into the management of such institutions; *provided further*, that whenever any county, or city and county, or city, or town shall provide for the support of minor orphans, or half orphans, or abandoned children, or aged persons in indigent circumstances, such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

S 23. The members of the Legislature shall receive for their services a per diem and mileage, to be fixed by law, and paid out of the public treasury: such per diem shall not exceed eight dollars, and such mileage shall not exceed ten cents per mile, and for contingent expenses not exceeding twenty-five dollars for each session. No increase in compensation or mileage shall take effect during the term for which the members of either House shall have been elected, and the pay of no attaché shall be increased after he is elected or appointed.

S 24. Every Act shall embrace but one subject, which subject shall be expressed in its title. But if any subject shall be embraced in an Act which shall not be expressed in

to its title; but in such case the Act revised or section amended shall be re-enacted and published at length.

ARTICLE XI.

§ 21. All laws, decrees, regulations, and provisions which from their nature require publication shall be published in English and Spanish.

ARTICLE IV.

§ 26. No divorce shall be granted by the Legislature.

its title, such Act shall be void only as to so much thereof as shall not be expressed in its title. No law shall be revised or amended by reference to its title; but in such case the Act revised or section amended shall be re-enacted and published at length as revised or amended; and all laws of the State of California, and all official writings, and the executive, legislative, and judicial proceedings shall be conducted, preserved, and published in no other than the English language.

S 25. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

First—Regulating the jurisdiction and duties of Justices of the Peace, Police Judges, and of Constables.

Second—For the punishment of crimes and misdemeanors.

Third—Regulating the practice of courts of justice.

Fourth—Providing for changing the venue in civil or criminal actions.

Fifth—Granting divorces.

Sixth—Changing the names of persons or places.

Seventh—Authorizing the laying out, opening, altering, maintaining, or vacating roads, highways, streets, alleys, town plats, parks, cemeteries, graveyards, or public grounds not owned by the State.

Eighth—Summoning and impaneling grand and petit juries, and providing for their compensation.

Ninth—Regulating county and township business, or the election of county and township officers.

Tenth—For the assessment or collection of taxes.

Eleventh—Providing for conducting elections, or designating the places of voting, except on the organization of new counties.

Twelfth—Affecting the estates of deceased persons, minors, or other persons under legal disabilities.

Thirteenth—Extending the time for the collection of taxes.

Fourteenth—Giving effect to invalid deeds, wills, or other instruments.

Fifteenth—Refunding money paid into the State treasury.

Sixteenth—Releasing or extinguishing, in whole or in part, the indebtedness, liability, or obligation of any corporation or person to this State, or to any municipal corporation therein.

Seventeenth—Declaring any person of age, or authorizing any minor to sell, lease, or encumber his or her property.

S 27. No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed.

S 30. When a Congressional, Senatorial, or Assembly District shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county shall be divided in forming a Congressional, Senatorial, or Assembly District* so as to attach one portion of a county to another county; but the Legislature may divide each county into as many Con-
[Words following the * were added by amendment of 1862.]

Eighteenth—Legalizing, except as against the State, the unauthorized or invalid act of any officer.

Nineteenth—Granting to any corporation, association, or individual any special or exclusive right, privilege, or immunity.

Twenty-tenth—Exempting property from taxation.

Twenty-first—Changing county seats.

Twenty-second—Restoring to citizenship persons convicted of infamous crimes.

Twenty-third—Regulating the rate of interest on money.

Twenty-fourth—Authorizing the creation, extension, or impairing of liens.

Twenty-fifth—Chartering or licensing ferries, bridges, or roads.

Twenty-sixth—Remitting fines, penalties, or forfeitures.

Twenty-seventh—Providing for the management of common schools.

Twenty-eighth—Creating offices, or prescribing the powers and duties of officers in counties, cities, cities and counties, townships, election or school districts.

Twenty-ninth—Affecting the fees or salary of any officer.

Thirtieth—Changing the law of descent or succession.

Thirty-first—Authorizing the adoption or legitimation of children.

Thirty-second—For limitation of civil or criminal actions.

Thirty-third—In all other cases where a general law can be made applicable.

S 26. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale in this State of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery. The Legislature shall pass laws to regulate or prohibit the buying and selling of the shares of the capital stock of corporations in any stock board, stock exchange, or stock market under the control of any association. All contracts for the sale of shares of the capital stock of any corporation or association, on margin or to be delivered at a future day, shall be void, and any money paid on such contracts may be recovered by the party paying it by suit in any court of competent jurisdiction.

S 27. When a congressional district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county, or city and county, shall be divided in forming a congressional district so as to attach one portion of a county, or city and county, to another county, or city and county, except in cases where one county, or city and county, has more

gressional, Senatorial, or Assembly Districts as such county may by apportionment be entitled to.

§ 38. In all elections by the Legislature the members thereof shall vote viva voce, and the votes shall be entered on the journal.

ARTICLE XI.

§ 10. The credit of the State shall not in any manner be given or loaned to or in aid of any individual, association, or corporation; nor shall the State, directly or indirectly, become a stockholder in any association or corporation.

population than the ratio required for one or more Congressmen; but the Legislature may divide any county, or city and county, into as many congressional districts as it may be entitled to by law. Any county, or city and county, containing a population greater than the number required for one congressional district, shall be formed into one or more congressional districts, according to the population thereof, and any residue, after forming such district or districts, shall be attached by compact adjoining assembly districts, to a contiguous county or counties, and form a congressional district. In dividing a county, or city and county, into congressional districts, no assembly district shall be divided so as to form a part of more than one congressional district, and every such congressional district shall be composed of compact contiguous assembly districts.

§ 28. In all elections by the Legislature the members thereof shall vote *viva voce*, and the votes shall be entered on the Journal.

§ 29. The general appropriation bill shall contain no item or items of appropriation other than such as are required to pay the salaries of the State officers, the expenses of the government, and of the institutions under the exclusive control and management of the State.

§ 30. Neither the Legislature, nor any county, city and county, township, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any city, city and county, town, or other municipal corporation for any religious creed, church, or sectarian purpose whatever; *provided*, that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this article.

§ 31. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township, or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corpora-

ARTICLE I.

§ 22. The Legislature shall have no power to make an appropriation, for any purpose whatever, for a longer period than two years.

{§ 22 was added by amendment, proposed in 1866, and ratified September 6th, 1871.}

CAL. CONST. 1879. **Art. IV, §§ 32-5**

hether municipal or otherwise, or to pledge the hereof, in any manner whatever, for the payment iabilities of any individual, association, municipal r corporation whatever; nor shall it have power to my gift, or authorize the making of any gift, of blic money or thing of value to any individual, pal or other corporation whatever; *provided*, that ; in this section shall prevent the Legislature grant- pursuant to section twenty-two of this article; hall not have power to authorize the State, or any l subdivision thereof, to subscribe for stock, or to a stockholder in any corporation whatever.

The Legislature shall have no power to grant, or ze any county or municipal authority to grant, ra compensation or allowance to any public offi- ent, servant, or contractor, after service has been d, or a contract has been entered into and per- in whole or in part, nor to pay, or to authorize ment of, any claim hereafter created against the r any county or municipality of the State, under eement or contract made without express author- aw; and all such unauthorized agreements or con- hall be null and void.

The Legislature shall pass laws for the regulati- i limitation of the charges for services performed mmodities furnished by telegraph and gas corpora- nd the charges by corporations or individuals for and wharfage, in which there is a public use; and aws shall provide for the selection of any person r to regulate and limit such rates, no such person r shall be selected by any corporation or individ- rested in the business to be regulated, and no per- ll be selected who is an officer or stockholder in h corporation.

No bill making an appropriation of money, ex- e general appropriation bill, shall contain more ie item of appropriation, and that for one single tain purpose to be therein expressed.

Any person who seeks to influence the vote of a r of the Legislature by bribery, promise of reward, ation, or any other dishonest means, shall be f lobbying, which is hereby declared a felony; hall be the duty of the Legislature to provide, by t the punishment of this crime. Any member of slature, who shall be influenced in his vote or ac-

**ARTICLE V.
EXECUTIVE DEPARTMENT.**

S 1. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled the Governor of the State of California.

S 2. The Governor shall be elected by the qualified electors, at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday in December subsequent to his election, and until his successor is elected and qualified.

[Amended 1862. Original provided for term of two years.]

S 3. No person shall be eligible to the office of Governor (except at the first election) who has not been a citizen of the United States and a resident of this State two years next preceding the election, and attained the age of twenty-five years at the time of said election.

S 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but, in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both Houses, choose one of said persons so having an equal and the highest number of votes, for Governor.

tion upon any matter pending before the Legislature by any reward, or promise of future reward, shall be deemed guilty of a felony, and upon conviction thereof, in addition to such punishment as may be provided by law, shall be disfranchised and forever disqualified from holding any office or public trust. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or with having been influenced in his vote or action, as a member of the Legislature, by reward, or promise of future reward, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

ARTICLE V.

EXECUTIVE DEPARTMENT.

S 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of California.

S 2. The Governor shall be elected by the qualified electors at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday after the first day of January subsequent to his election, and until his successor is elected and qualified.

S 3. No person shall be eligible to the office of Governor who has not been a citizen of the United States and a resident of this State five years next preceding his election, and attained the age of twenty-five years at the time of such election.

S 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but, in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both Houses, choose one of such persons so having an equal and the highest number of votes for Governor.

§ 5. The Governor shall be Commander in Chief of the militia, the army, and navy of this State.

§ 6. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the Executive Department, upon any subject relating to the duties of their respective offices.

§ 7. He shall see that the laws are faithfully executed.

§ 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

§ 9. He may, on extraordinary occasions, convene the Legislature by proclamation, and shall state to both Houses, when assembled, the purpose for which they shall have been convened.

§ 10. He shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

§ 11. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next Legislature.

§ 12. No person shall, while holding any office under the United States, or this State, exercise the office of Governor, except as hereinafter expressly provided.

§ 14. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially and shall be called "The Great Seal of the State of California."

§ 15. All grants and commissions shall be in the name and by the authority of The People of the State of California, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

§ 16. A Lieutenant Governor shall be elected at the same time and places, and in the same manner, as the Governor; and his term of office, and his qualifications of

§ 5. The Governor shall be Commander-in-Chief of the militia, the army and navy of this State.

§ 6. He shall transact all executive business with the officers of government, civil and military, and may require information, in writing, from the officers of the executive department, upon any subject relating to the duties of their respective offices.

§ 7. He shall see that the laws are faithfully executed.

§ 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

§ 9. He may, on extraordinary occasions, convene the Legislature by proclamation, stating the purposes for which he has convened it, and when so convened it shall have no power to legislate on any subjects other than those specified in the proclamation, but may provide for the expenses of the session and other matters incidental thereto.

§ 10. He shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

§ 11. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next Legislature.

§ 12. No person shall, while holding any office under the United States or this State, exercise the office of Governor except as hereinafter expressly provided.

§ 13. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of California."

§ 14. All grants and commissions shall be in the name and by the authority of the People of the State of California, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

§ 15. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner, as the Governor; and his term of office and his qualifications of

eligibility, shall also be the same. He shall be President of the Senate, but shall only have a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President of the Senate shall act as Governor until the vacancy be filled or the disability shall cease.

§ 17. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue Commander in Chief of all the military force of the State.

§ 18. A Secretary of State, a Controller, a Treasurer, an Attorney General, and a Surveyor General shall be elected at the same time and places, and in the same manner as the Governor and Lieutenant Governor, and whose term of office shall be the same as the Governor.

[Amended 1862.]

§ 19. The Secretary of State shall keep a fair record of the official acts of the Legislative and Executive Departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law; and in order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said Article V by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded or suspended thereby, until the election and qualification of the several officers provided for in said amendments.

[Amended 1862. Original provided for appointment of Secretary of State by the Governor.]

§ 20. The Controller, Treasurer, Attorney General, and Surveyor General, shall be chosen by joint vote of the two Houses of the Legislature at their first session under this Constitution, and thereafter shall be elected at the

eligibility shall also be the same. He shall be President of the Senate, but shall have only a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President pro tempore of the Senate shall act as Governor until the vacancy be filled or the disability shall cease. The Lieutenant-Governor shall be disqualified from holding any other office, except as specially provided in this Constitution, during the term for which he shall have been elected.

S 16. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue Commander-in-Chief of all the military force of the State.

S 17. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General shall be elected at the same time and places, and in the same manner as the Governor and Lieutenant-Governor, and their terms of office shall be the same as that of the Governor.

S 18. The Secretary of State shall keep a correct record of the official acts of the legislative and executive departments of the government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law.

same time and places, and in the same manner, as the Governor and Lieutenant Governor.

§ 21. The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, and Surveyor General, shall each, at stated times during their continuance in office, receive for their services a compensation, which shall not be increased or diminished during the term for which they shall have been elected; but neither of these officers shall receive for his own use any fees for the performance of his official duties.

SCHEDULE.

§ 15. Until the Legislature shall otherwise direct, in accordance with the provisions of this Constitution, the salary of the Governor shall be ten thousand dollars per annum; and the salary of the Lieutenant Governor shall be double the pay of a State Senator; and the pay of members of the Legislature shall be sixteen dollars per diem while in attendance, and sixteen dollars for every twenty miles traveled by the usual route from their residences to the place of holding the session of the Legislature, and in returning therefrom. And the Legislature shall fix the salaries of all officers other than those elected by the people at the first election.

§ 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers for the two terms next ensuing the adoption of this Constitution, as follows: Governor, six thousand dollars per annum; Lieutenant-Governor, the same per diem as may be provided by law for the Speaker of the Assembly, to be allowed only during the session of the Legislature; the Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General, three thousand dollars each per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however,* that the Legislature, after the expiration of the terms hereinbefore mentioned, may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service, in any office provided for in this article, exceeding sixteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor-General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

§ 20. The Governor shall not, during his term of office, be elected a Senator to the Senate of the United States.

ARTICLE VI.

JUDICIAL DEPARTMENT.

§ 1. The judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, in Probate Courts, and in Justices of the Peace, and in such Recorders' and other inferior Courts as the Legislature may establish in any incorporated city or town. [1862.]

§ 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices. The presence of three Justices shall be necessary for the transaction of business, excepting such business as may be done at chambers, and the concurrence of three Justices shall be necessary to pronounce a judgment. [1862.]

ARTICLE VI.

JUDICIAL DEPARTMENT.

The judicial power of the State shall be vested in a state sitting as a Court of Impeachment, in a Superior Court, Superior Courts, Justices of the Peace, and Inferior Courts as the Legislature may establish in incorporated city or town, or city and county.

The Supreme Court shall consist of a Chief Justice and Associate Justices. The Court may sit in department and in bank, and shall always be open for the transaction of business. There shall be two departments, denoted, respectively, Department One and Department Two. The Chief Justice shall assign three of the Associate Justices to each department, and such assignment may be changed by him from time to time. The Associate Justices shall be competent to sit in either department, by interchange with each other by agreement among themselves or as ordered by the Chief Justice. Each of the departments shall have the power to hear and determine all cases and all questions arising therein, subject to the limitations hereinafter contained in relation to the Court in Bank. The presence of three Justices shall be necessary to transact any business in either of the departments, except such as may be done at Chambers, and the concurrence of three Justices shall be necessary to pronounce a judgment. The Chief Justice shall apportion the business between the departments, and may, in his discretion, order any pending case before the Court to be heard and decided by the Court in bank. The order may be made before or after the judgment pronounced by a department; but where a cause has been allotted to one of the departments, and a judgment pronounced thereon, the order must be made within ten days after such judgment, and concurred in by two Associate Justices, and if so made it shall have the effect of a final judgment and set aside the judgment. Any four Justices may, either before or after judgment by a department, order a case to be heard in bank. If the order be not made within the time above limited the judgment shall stand. No judgment by a department shall become final until the expiration of the period of thirty days after the same, unless approved by the Chief Justice, in writing, with the concurrence of two Associate Justices. The Chief Justice may convene the Court in bank at any time, and shall be the presiding Justice of the Court when convened. The concurrence of four Justices present at the trial shall be necessary to pronounce a judgment.

§ 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at special elections to be provided by law, at which elections no officer other than judicial shall be elected, except a Superintendent of Public Instruction. The first election for Justices of the Supreme Court shall be held in the year eighteen hundred and sixty-three. The Justices shall hold their offices for the term of ten years from the first day of January next after their election, except those elected at the first election, who, at their first meeting, shall so classify themselves by lot that one Justice shall go out of office every two years. The Justice having the shortest term to serve shall be the Chief Justice. [1862.]

§ 4. The Supreme Court shall have appellate jurisdiction in all cases in equity; also in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest or the value of the property in controversy, amounts to three hundred dollars; also in all cases arising in the Probate Courts; and also in all criminal cases amounting to felony, on

CAL. CONST. 1879. Art. VI, §§ 3-4

ut if four Justices, so present, do not concur in it, then all the Justices qualified to sit in the Court shall hear the argument; but to render a judgment the number of four Judges shall be necessary. In the trial of causes, all decisions of the Court in its several departments shall be given in writing, and the reasons for the decision shall be stated. The Chief Justice shall preside over each department, and shall preside when so many Justices are present as will constitute a quorum. The Justices assigned to each department shall be chosen by lot from among their number as presiding justice. In case of absence of the Chief Justice from the place at which the Court is held, or his inability to act, the Associate Justices shall select one of their own number to perform the duties and exercise the powers of the Chief Justice during such absence or inability to act.

The Chief Justice and the Associate Justices shall be elected by the qualified electors of the State at large, at the general State elections, at the times and places at which other officers are elected; and the term of office shall be twelve years, from and after the first Monday in January next succeeding their election, that is to say, that the six Associate Justices elected at the general election shall, at their first meeting, so classify themselves, by lot, that two of them shall go out of office at the end of four years, two of them at the end of eight years, and two of them at the end of twelve years, and so try of such classification shall be made in the books of the Court in blank, signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State. If a vacancy occur in the office of a Justice, or if the Governor shall appoint a person to hold the office until the qualification of a Justice to fill the vacancy, the election shall take place at the next succeeding general election, and the Justice so elected shall hold office for the remainder of the unexpired term. The election of the Justices shall be at the first general election after the adoption and ratification of this Constitution.

The Supreme Court shall have appellate jurisdiction in cases in equity, except such as arise in Justices' fees, in all cases at law which involve the title or ownership of real estate, or the legality of any tax, impost, toll, or municipal fine, or in which the amount in controversy, exclusive of interest, or the value of the property involved, amounts to three hundred dollars; and in cases of forcible entry and detainer, and in pro-

questions of law alone. The Court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State, upon petition on behalf of any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or before any District Court, or any County Court in the State, or before any Judge of said Courts. [1862.]

§ 6. The District Courts shall have original jurisdiction in all cases in equity; also, in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest or the value of the property in controversy, amounts to three hundred dollars; and also in all criminal cases not otherwise provided for. The District Courts and their Judges shall have power to issue writs of habeas corpus, on petition by or on behalf of any person held in actual custody, in their respective districts. [1862.]

§ 5. The State shall be divided, by the Legislature of eighteen hundred and sixty-three, into fourteen Judicial Districts, subject to such alteration, from time to time, by a two-thirds vote of all the members elected to both Houses, as the public good may require; in each of which there shall be a District Court, and for each of which a District Judge shall be elected by the qualified electors of the district at the special Judicial elections to be held as provided for the election of Justices of the Supreme Court, by section three of this Article. The District Judges shall hold their offices for the term of six years from the first day of January next after their election. The Legislature shall have no power to grant leave of absence to a Judicial officer; and any such officer who shall absent himself from the State for upwards of thirty consecutive days shall be deemed to have forfeited his office. [1862.]

§ 7. There shall be in each of the organized counties of the State a County Court, for each of which a County

ceedings in insolvency, and in actions to prevent or abate a nuisance, and in all such probate matters as may be provided by law; also, in all criminal cases prosecuted by indictment, or information in a Court of record on questions of law alone. The Court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or before any Superior Court in the State, or before any Judge thereof.

S 5. The Superior Court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest or the value of the property in controversy, amounts to three hundred dollars, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage, and of all such special cases and proceedings as are not otherwise provided for. And said Court shall have the power of naturalization, and to issue papers therefor. They shall have appellate jurisdiction in such cases arising in Justices' and other inferior Courts in their respective counties as may be prescribed by law. They shall be always open (legal holidays and non-judicial days excepted), and their process shall extend to all parts of the State; *provided*, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof affected by such action or actions, is situated. Said Courts, and their Judges, shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days.

S 6. There shall be in each of the organized counties, or cities and counties of the State, a Superior Court, for each

Judge shall be elected by the qualified electors of t county, at the special judicial election to be held as provided for the election of Justices of the Supreme Cou by section three of this Article. The County Judges sh hold their offices for the term of four years from the fi day of January next after their election. Said Cou shall also have power to issue naturalization papers. the City and County of San Francisco the Legislature m separate the office of Probate Judge from that of Cour Judge, and may provide for the election of a Prob Judge, who shall hold his office for the term of four yea [1862.]

§ 8. The County Court shall have original jurisdiction of actions of forcible entry and detainer, of proceeding in insolvency, of actions to prevent or abate a nuisance and of all such special cases and proceedings as are otherwise provided for; and also such criminal jurisdiction as the Legislature may prescribe; they shall also have appellate jurisdiction in all cases arising in Cou held by Justices of the Peace and Recorders, and in st inferior Courts as may be established in pursuance of s tion one of this Article, in their respective counties. The County Judges shall also hold, in their several counti Probate Court, and perform such duties as Probate Judge as may be prescribed by law. The County Courts a their Judges shall also have power to issue writs of habe corpus, on petition by or on behalf of any person in actu custody in their respective counties. [1862.]

of which at least one Judge shall be elected by the qualified electors of the county, or city and county, at the general State election; *provided*, that until otherwise ordered by the Legislature, only one Judge shall be elected for the Counties of Yuba and Sutter, and that in the City and County of San Francisco there shall be elected twelve Judges of the Superior Court, any one or more of whom may hold Court. There may be as many sessions of said Court, at the same time, as there are Judges thereof. The said Judges shall choose from their own number a presiding Judge, who may be removed at their pleasure. He shall distribute the business of the Court among the Judges thereof, and prescribe the order of business. The judgments, orders, and proceedings of any session of the Superior Court, held by any one or more of the Judges of said Courts, respectively, shall be equally effectual as if all the Judges of said respective Courts presided at such session. In each of the Counties of Sacramento, San Joaquin, Los Angeles, Sonoma, Santa Clara, and Alameda, there shall be elected two such Judges. The term of office of Judges of the Superior Courts shall be six years from and after the first Monday of January next succeeding their election; *provided*, that the twelve Judges of the Superior Court, elected in the City and County of San Francisco at the first election held under this Constitution, shall, at their first meeting, so classify themselves, by lot, that four of them shall go out of office at the end of two years, and four of them shall go out of office at the end of four years, and four of them shall go out of office at the end of six years, and an entry of such classification shall be made in the minutes of the Court, signed by them, and a duplicate thereof filed in the office of the Secretary of State. The first election of Judges of the Superior Courts shall take place at the first general election held after the adoption and ratification of this Constitution. If a vacancy occur in the office of Judge of a Superior Court, the Governor shall appoint a person to hold the office until the election and qualification of a Judge to fill the vacancy, which election shall take place at the next succeeding general election, and the Judge so elected shall hold office for the remainder of the unexpired term.

§ 7. In any county, or city and county, other than the City and County of San Francisco, in which there shall be more than one Judge of the Superior Court, the Judges of such Court may hold as many sessions of said Court at the same time as there are Judges thereof, and shall apportion the business among themselves as equally as may be.

§ 9. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and fix by law their powers, duties, and responsibilities; *provided*, such powers shall not in any case trench upon the jurisdiction of the several Courts of record. The Supreme Court, the District Courts, County Courts, the Probate Courts, and such other Courts as the Legislature shall prescribe, shall be Courts of record. [1862.]

§ 8. A Judge of any Superior Court may hold a Superior Court in any county, at the request of a Judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty so to do. But a cause in a Superior Court may be tried by a Judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant or their attorneys of record, approved by the Court, and sworn to try the cause.

§ 9. The Legislature shall have no power to grant leave of absence to any judicial officer; and any such officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have forfeited his office. The Legislature of the State may at any time, two-thirds of the members of the Senate and two-thirds of the members of the Assembly voting therefor, increase or diminish the number of Judges of the Superior Court in any county, or city and county, in the State; *provided*, that no such reduction shall affect any Judge who has been elected.

§ 10. Justices of the Supreme Court, and Judges of the Superior Courts, may be removed by concurrent resolution of both Houses of the Legislature, adopted by a two-thirds vote of each House. All other judicial officers, except Justices of the Peace, may be removed by the Senate on the recommendation of the Governor, but no removal shall be made by virtue of this section, unless the cause thereof be entered on the Journal, nor unless the party complained of has been served with a copy of the complaint against him, and shall have had an opportunity of being heard in his defense. On the question of removal, the ayes and noes shall be entered on the Journal.

§ 11. The Legislature shall determine the number of Justices of the Peace to be elected in townships, incorporated cities and towns, or cities and counties, and shall fix by law the powers, duties, and responsibilities of Justices of the Peace; *provided*, such powers shall not in any case trench upon the jurisdiction of the several Courts of record, except that said Justices shall have concurrent jurisdiction with the Superior Courts in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of the liens nor

§ 12. The times and places of holding the terms of the several Courts of record shall be provided for by law. [1862.]

§ 10. The Legislature shall fix by law the jurisdiction of any Recorder's or other inferior municipal Court which may be established in pursuance of section one of this Article, and shall fix by law the powers, duties, and responsibilities of the Judges thereof. [1862.]

§ 11. The Legislature shall provide for the election of a Clerk of the Supreme Court, County Clerks, District Attorneys, Sheriffs, and other necessary officers, and shall fix by law their duties and compensation. County Clerks shall be ex officio Clerks of the Courts of record in and for their respective counties. The Legislature may also provide for the appointment by the several District Courts of one or more Commissioners in the several counties of their respective districts, with authority to perform Chamber business of the Judges of the District Courts and County Courts, and also to take depositions, and to perform such other business connected with the administration of justice as may be prescribed by law. [1862.]

§ 13. No judicial officer, except Justices of the Peace, Recorders, and Commissioners shall receive to his own use any fees or perquisites of office. [1862.]

§ 14. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient; and all opinions shall be free for publication by any person. [1862.]

§ 15. The Justices of the Supreme Court, District Judges, and County Judges, shall severally, at stated times during their continuance in office, receive for their services a compensation, which shall not be increased or diminished, during the term for which they shall have been elected; provided, that County Judges shall be paid out of the County Treasury of their respective counties. [1862.]

the value of the property amounts to three hundred dollars.

§ 12. The Supreme Court, the Superior Courts, and such other Courts as the Legislature shall prescribe, shall be Courts of record.

§ 13. The Legislature shall fix by law the jurisdiction of any inferior Courts which may be established in pursuance of section one of this article, and shall fix by law the powers, duties, and responsibilities of the Judges thereof.

§ 14. The Legislature shall provide for the election of a Clerk of the Supreme Court, and shall fix by law his duties and compensation, which compensation shall not be increased or diminished during the term for which he shall have been elected. The County Clerks shall be ex officio Clerks of the Courts of record in and for their respective counties, or cities and counties. The Legislature may also provide for the appointment, by the several Superior Courts, of one or more Commissioners in their respective counties, or cities and counties, with authority to perform Chamber business of the Judges of the Superior Courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law.

§ 15. No judicial officer, except Justices of the Peace and Court Commissioners, shall receive to his own use any fees or perquisites of office.

§ 16. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient, and all opinions shall be free for publication by any person.

§ 17. The Justices of the Supreme Court and Judges of the Superior Court shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished after their election, nor during the term for which they shall have been elected. The salaries of the Justices of the Supreme Court shall be paid by the State. One-half of the salary of each Superior Court Judge shall be paid by the State; the other half thereof shall be paid by the county for which he is elected. During the term of the

Art. V, § 13 CAL. CONST. 1863.

§ 16. The Justices of the Supreme Court, and
District Judges, and the County Judges, shall be
eligible to any other office than a judicial office during
the time for which they shall have been elected. [1862.]

§ 17. Judges shall not charge juries with
matters of fact, but may state the testimony and
the law. [1862.]

§ 18. The style of all process shall be: "The
State of California," and all prosecutions shall
be conducted in their name and by their authority. [1

ARTICLE V.

§ 13. The Governor shall have the power to
commute or grant reprieves and pardons after conviction, for all

first Judges elected under this Constitution, the annual salaries of the Justices of the Supreme Court shall be six thousand dollars each. Until otherwise changed by the Legislature, the Superior Court Judges shall receive an annual salary of three thousand dollars each, payable monthly, except the Judges of the City and County of San Francisco, and the Counties of Alameda, San Joaquin, Los Angeles, Santa Clara, Yuba and Sutter combined, Sacramento, Butte, Nevada, and Sonoma, which shall receive four thousand dollars each.

§ 18. The Justices of the Supreme Court and Judges of the Superior Courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected.

§ 19. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

§ 20. The style of all process shall be, "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.

§ 21. The Justices shall appoint a Reporter of the decisions of the Supreme Court, who shall hold his office and be removable at their pleasure. He shall receive an annual salary not to exceed twenty-five hundred dollars, payable monthly.

§ 22. No Judge of a Court of record shall practice law in any Court of this State during his continuance in office.

§ 23. No one shall be eligible to the office of Justice of the Supreme Court, or to the office of Judge of a Superior Court, unless he shall have been admitted to practice before the Supreme Court of the State.

§ 24. No Judge of a Superior Court nor of the Supreme Court shall, after the first day of July, one thousand eight hundred and eighty, be allowed to draw or receive any monthly salary unless he shall take and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his Court remains undecided that has been submitted for decision for the period of ninety days.

ARTICLE VII. PARDONING POWER.

§ 1. The Governor shall have the power to grant reprieves, pardons, and commutations of sentence, after
10

except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have the power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the pardon or reprieve.

ARTICLE VII.

MILITIA.

§ 1. The Legislature shall provide by law for organizing and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

§ 2. Officers of the militia shall be elected or appointed in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor.

§ 3. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions.

ARTICLE IX.

EDUCATION.

§ 2. The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that may be granted by the United States to this State for the support of schools, which may be sold or disposed of, and

conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, the Governor shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. The Governor shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence, its date, the date of the pardon or reprieve, and the reasons for granting the same. Neither the Governor nor the Legislature shall have power to grant pardons, or commutations of sentence, in any case where the convict has been twice convicted of felony, unless upon the written recommendation of a majority of the Judges of the Supreme Court.

ARTICLE VIII.

MILITIA.

§ 1. The Legislature shall provide, by law, for organizing and disciplining the militia, in such manner as it may deem expedient, not incompatible with the Constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions.

§ 2. All military organizations provided for by this Constitution, or any law of this State, and receiving State support, shall, while under arms either for ceremony or duty, carry no device, banner, or flag of any State or nation, except that of the United States or the State of California.

ARTICLE IX.

EDUCATION.

§ 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement.

the five hundred thousand acres of land granted to the new States, under an Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual Fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.

§ 1. A Superintendent of Public Instruction shall, at the special election for judicial officers to be held in the year eighteen hundred and sixty-three, and every four years thereafter, at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election.

[Amended 1862. Original provided for term of three years and election at the general election.]

§ 3. The Legislature shall provide for a system of common schools, by which a school shall be kept up and supported in each district at least three months in every year; and any school district neglecting to keep up and support such a school may be deprived of its proportion of the interest of the public Fund during such neglect.

§ 2. A Superintendent of Public Instruction shall, at each gubernatorial election after the adoption of this Constitution, be elected by the qualified electors of the State. He shall receive a salary equal to that of the Secretary of State, and shall enter upon the duties of his office on the first Monday after the first day of January next succeeding his election.

§ 3. A Superintendent of Schools for each county shall be elected by the qualified electors thereof at each gubernatorial election; *provided*, that the Legislature may authorize two or more counties to unite and elect one Superintendent for the counties so uniting.

§ 4. The proceeds of all lands that have been or may be granted by the United States to this State for the support of common schools which may be, or may have been, sold or disposed of, and the five hundred thousand acres of land granted to the new States under an Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as may be granted, or may have been granted, by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.

§ 5. The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established.

§ 4. The Legislature shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this State, for the use of a University; and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent Fund, the interest of which shall be applied to the support of said University, with such branches as the public convenience may demand, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the Legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

CAL. CONST. 1879. **Art. IX, §§ 6-9**

- 1. The public school system shall include primary grammar schools, and such high schools, evening schools, normal schools, and technical schools as may be established by the Legislature, or by municipal or district authority; but the entire revenue derived from the State School Fund, and the State school tax, shall be applied exclusively to the support of primary and grammar schools.
- 2. The local Boards of Education, and the Boards of Commissioners, and County Superintendents of the several districts which may not have County Boards of Education, shall adopt a series of text-books for the use of the common schools within their respective jurisdictions; the books so adopted shall continue in use for not less than four years; they shall also have control of the examination of teachers and the granting of teachers' certificates within their several jurisdictions.
- 3. No public money shall ever be appropriated for the support of any sectarian or denominational school, or school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this State.
- 4. The University of California shall constitute a corporate trust, and its organization and government shall be perpetually continued in the form and character prescribed by the organic Act creating the same, passed March twenty-third, eighteen hundred and sixty-eight (the several Acts amendatory thereof), subject only to legislative control as may be necessary to insure compliance with the terms of its endowments, and the investment and security of its funds. It shall be wholly independent of all political or sectarian influence, kept free therefrom in the appointment of its Regents, and in the administration of its affairs; provided, all the moneys derived from the sale of the public lands donated to this State by Act of Congress, approved February second, eighteen hundred and sixty-two (and the several Acts amendatory thereof), shall be invested as directed by said Acts of Congress, and the interest of moneys shall be inviolably appropriated to the endowment, support, and maintenance of at least one College of Agriculture, where the leading objects shall be agriculture excluding other scientific and classical studies, including military tactics) to teach such branches of

CAL. CONST. 1863.

learning as are related to scientific and practical agriculture and the mechanic arts, in accordance with the requirements and conditions of said Acts of Congress; and the Legislature shall provide that if, through neglect, misappropriation, or any other contingency, any portion of the funds so set apart shall be diminished or lost, the State shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished. No person shall be debarred admission to any of the collegiate departments of the University on account of sex.

ARTICLE X.

STATE INSTITUTIONS AND PUBLIC BUILDINGS.

§ 1. There shall be a State Board of Prison Directors, consisting of five persons, to be appointed by the Governor, with the advice and consent of the Senate, who shall hold office for ten years, except that the first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years, and vacancies occurring shall be filled in like manner. The appointee to a vacancy, occurring before the expiration of a term, shall hold office only for the unexpired term of his predecessor. The Governor shall have the power to remove either of the directors for misconduct, incompetency, or neglect of duty, after an opportunity to be heard upon written charges.

§ 2. The Board of Directors shall have the charge and superintendence of the State Prisons, and shall possess such powers, and perform such duties, in respect to other penal and reformatory institutions of the State, as the Legislature may prescribe.

§ 3. The Board shall appoint the Warden and Clerk, and determine the other necessary officers of the Prisons. The Board shall have power to remove the Wardens and Clerks for misconduct, incompetency, or neglect of duty. All other officers and employees of the Prisons shall be appointed by the Warden thereof, and be removed at his pleasure.

§ 4. The members of the Board shall receive no compensation other than reasonable traveling and other expenses incurred while engaged in the performance of official duties, to be audited as the Legislature may direct.

ARTICLE XI.

§ 4. The Legislature shall establish a system of county and town governments, which shall be as nearly uniform as practicable throughout the State.

§ 5. The Legislature shall have power to provide for the election of a Board of Supervisors in each county, and these Supervisors shall jointly and individually perform such duties as may be prescribed by law.

S 5. The Legislature shall pass such laws as may be necessary to further define and regulate the powers and duties of the Board, Wardens, and Clerks, and to carry into effect the provisions of this article.

S 6. After the first day of January, eighteen hundred and eighty-two, the labor of convicts shall not be let out by contract to any person, copartnership, company, or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State.

ARTICLE XI.

CITIES, COUNTIES, AND TOWNS.

S 1. The several counties, as they now exist, are hereby recognized as legal subdivisions of this State.

S 2. No county seat shall be removed unless two-thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than once in four years.

S 3. No new county shall be established which shall reduce any county to a population of less than eight thousand; nor shall a new county be formed containing a less population than five thousand; nor shall any line thereof pass within five miles of the county seat of any county proposed to be divided. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken.

S 4. The Legislature shall establish a system of county governments which shall be uniform throughout the State; and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county, voting at a general election, shall so determine; and, whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made, and the business of such county and the local affairs of the several townships therein shall be managed and transacted in the manner prescribed by such general laws.

S 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of Boards of Supervisors, Sheriffs, County Clerks, District Attorneys, and such other county, town-

Art. XI, § 9

CAL. CONST. 1863.

S 9. Each county, town, city, and incorp
shall make provision for the support of it
subject to such restrictions and regulation
lature may prescribe.

ship, and municipal officers as public convenience may require, and shall prescribe their duties, and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to duties, and for this purpose may classify the counties by population; and it shall provide for the strict accountability of county and township officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession.

§ 6. Corporations for municipal purposes shall not be created by special laws; but the Legislature, by general laws, shall provide for the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended, or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution, shall be subject to and controlled by general laws.

§ 7. City and county governments may be merged and consolidated into one municipal government, with one set of officers, and may be incorporated under general laws providing for the incorporation and organization of corporations for municipal purposes. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or not prohibited to cities, shall be applicable to such consolidated government. In consolidated city and county governments, of more than one hundred thousand population, there shall be two Boards of Supervisors or Houses of Legislation—one of which, to consist of twelve persons, shall be elected by general ticket from the city and county at large, and shall hold office for the term of four years, but shall be so classified that after the first election only six shall be elected every two years; the other, to consist of twelve persons, shall be elected every two years, and shall hold office for the term of two years. Any vacancy occurring in the office of Supervisor, in either Board, shall be filled by the Mayor or other chief executive officer.

§ 8. Any city containing a population of more than one hundred thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a
11

Board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of such city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such Board, or a majority of them, and returned, one copy thereof to the Mayor, or other chief executive officer of such city, and the other to the Recorder of deeds of the county. Such proposed charter shall then be published in two daily papers of general circulation in such city for at least twenty days, and within not less than thirty days after such publication it shall be submitted to the qualified electors of such city at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment, and if approved by a majority vote of the members elected to each House, it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter and all amendments thereof, and all special laws inconsistent with such charter. A copy of such charter, certified by the Mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors and its ratification by them, shall be made in duplicate and deposited, one in the office of the Secretary of State, the other, after being recorded in the office of the Recorder of deeds of the county, among the archives of the city; all Courts shall take judicial notice thereof. The charter so ratified may be amended at intervals of not less than two years, by proposals therefor, submitted by legislative authority of the city to the qualified voters thereof, at a general or special election held at least sixty days after the publication of such proposals, and ratified by at least three-fifths of the qualified electors voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendment thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

S 9. The compensation of any county, city, town, or municipal officer shall not be increased after his election or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

CAL. CONST. 1863.

1

S 10. No county, city, town, or other public or municipal corporation, nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

S 11. Any county, city, town, or township may make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws.

S 12. The Legislature shall have no power to impose taxes upon counties, cities, towns, or other public or municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

S 13. The Legislature shall not delegate to any special commission, private corporation, company, association, or individual, any power to make, control, appropriate, supervise, or in any way interfere with, any county, city, town, or municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes or assessments, or perform any municipal functions whatever.

S 14. No State office shall be continued or created in any county, city, town, or other municipality, for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity; but such county, city, town, or municipality may, when authorized by general law, appoint such officers.

S 15. Private property shall not be taken or sold for the payment of the corporate debt of any political or municipal corporation.

S 16. All moneys, assessments, and taxes belonging to or collected for the use of any county, city, town, or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the Treasurer, or other legal depositary, to the credit of such city, town, or other corporation respectively, for the benefit of the funds to which they respectively belong.

S 17. The making of profit out of county, city, town, or other public money, or using the same for any purpose

Art. IV, § 37

CAL. CONST. 1863.

ARTICLE IV.

§ 37. It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning them, so as to prevent abuses in assessments and in contracting debts by such municipal corporations.

not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

S 18. No county, city, town, township, Board of Education, or school district, shall incur any indebtedness or liability in any manner, or for any purpose, exceeding in any year the income and revenue provided for it for such year, without the assent of two-thirds of the qualified electors thereof voting at an election to be held for that purpose, nor unless, before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void.

S 19. No public work or improvement of any description whatsoever shall be done or made, in any city, in, upon, or about the streets thereof, or otherwise, the cost and expense of which is made chargeable or may be assessed upon private property by special assessment, unless an estimate of such cost and expense shall be made, and an assessment, in proportion to benefits, on the property to be affected or benefited, shall be levied, collected, and paid into the city treasury before such work or improvement shall be commenced, or any contract for letting or doing the same authorized or performed. In any city where there are no public works owned and controlled by the municipality, for supplying the same with water or artificial light, any individual, or any company duly incorporated for such purpose under and by authority of the laws of this State, shall, under the direction of the Superintendent of Streets, or other officer in control thereof, and under such general regulations as the municipality may prescribe for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gas-light or other illuminating light, or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof.

ARTICLE IV.

§ 31. Corporations may be formed under general laws, but shall not be created by special Act, except for municipal purposes. All general laws and special Acts passed pursuant to this section may be altered from time to time, or repealed.

§ 32. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

§ 36. Each stockholder of a corporation or joint stock association shall be individually and personally liable for his proportion of all its debts and liabilities.

§ 33. The term corporations, as used in this Article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all Courts, in like cases as natural persons.

§ 34. The Legislature shall have no power to pass any Act granting any charter for banking purposes, but associations may be formed, under general laws, for the deposit of gold and silver; but no such associations shall make, issue, or put in circulation any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money.

§ 35. The Legislature of this State shall prohibit by law any person or persons, association, company, or corporation from exercising the privileges of banking or creating paper to circulate as money.

ARTICLE XII.
CORPORATIONS.

S 1. Corporations may be formed under general laws, but shall not be created by special Act. All laws now in force in this State concerning corporations, and all laws that may be hereafter passed pursuant to this section, may be altered from time to time or repealed.

S 2. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

S 3. Each stockholder of a corporation, or joint-stock association, shall be individually and personally liable for such proportion of all its debts and liabilities contracted or incurred, during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock, or shares of the corporation or association. The directors or trustees of corporations and joint-stock associations shall be jointly and severally liable to the creditors and stockholders for all moneys embezzled or misappropriated by the officers of such corporation, or joint-stock association, during the term of office of such director or trustee.

S 4. The term corporations, as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships; and all corporations shall have the right to sue and shall be subject to be sued, in all Courts, in like cases as natural persons.

S 5. The Legislature shall have no power to pass any Act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under general laws. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.

CAL. CONST. 1863.

§ 6. All existing charters, grants, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

§ 7. The Legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any corporation now existing, or which shall hereafter exist under the laws of this State.

§ 8. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals, and the exercise of the police power of the State shall never be so abridged or construed as to permit corporations to conduct their business in such manner as to infringe the rights of individuals or the general well-being of the State.

§ 9. No corporation shall engage in any business other than that expressly authorized in its charter, or the law under which it may have been or may hereafter be organized; nor shall it hold for a longer period than five years any real estate except such as may be necessary for carrying on its business.

§ 10. The Legislature shall not pass any laws permitting the leasing or alienation of any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise, or any of its privileges.

§ 11. No corporation shall issue stock or bonds, except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, at a meeting called for that purpose, giving sixty days' public notice, as may be provided by law.

§ 12. In all elections for directors or managers of corporations every stockholder shall have the right to vote, in person or by proxy, the number of shares of stock owned by him for as many persons as there are directors or managers to be elected, or to cumulate said shares and

give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them, on the same principle, among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner, except that members of co-operative societies formed for agricultural, mercantile, and manufacturing purposes, may vote on all questions affecting such societies in manner prescribed by law.

§ 13. The State shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association, or corporation.

§ 14. Every corporation other than religious, educational, or benevolent, organized or doing business in this State, shall have and maintain an office or place in this State for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for inspection by every person having an interest therein, and legislative committees, books in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them respectively; the amount of stock paid in, and by whom; the transfers of stock; the amount of its assets and liabilities, and the names and place of residence of its officers.

§ 15. No corporation organized outside the limits of this State shall be allowed to transact business within this State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this State.

§ 16. A corporation or association may be sued in the county where the contract is made or is to be performed, or where the obligation or liability arises, or the breach occurs; or in the county where the principal place of business of such corporation is situated, subject to the power of the Court to change the place of trial as in other cases.

§ 17. All railroad, canal, and other transportation companies are declared to be common carriers, and subject to legislative control. Any association or corporation, organized for the purpose, under the laws of this State, shall have the right to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad, and shall receive and transport each the

other's passengers, tonnage, and cars, without delay or discrimination.

S 18. No president, director, officer, agent, or employé of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, nor in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company, except such interest in the business of transportation as lawfully flows from the ownership of stock therein.

S 19. No railroad or other transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust, or profit in this State; and the acceptance of any such pass or ticket, by a member of the Legislature or any public officer, other than Railroad Commissioner, shall work a forfeiture of his office.

S 20. No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying. And whenever a railroad corporation shall, for the purpose of competing with any other common carrier, lower its rates for transportation of passengers or freight from one point to another, such reduced rates shall not be again raised or increased from such standard without the consent of the governmental authority in which shall be vested the power to regulate fares and freights.

S 21. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this State, or coming from or going to any other State. Persons and property transported over any railroad, or by any other transportation company or individual, shall be delivered at any station, landing, or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port, or landing. Excursion and commutation tickets may be issued at special rates.

S 22. The State shall be divided into three districts as nearly equal in population as practicable, in each of which

CAL. CONST. 1879. Art. XII, § 22

Railroad Commissioner shall be elected by the qualified electors thereof at the regular gubernatorial elections, whose salary shall be fixed by law, and whose term of office shall be four years, commencing on the first Monday of the first day of January next succeeding their election.

Said Commissioners shall be qualified electors of the State and of the district from which they are elected, shall not be interested in any railroad corporation, or transportation company, as stockholder, creditor, agent, attorney or employé; and the act of a majority of Commissioners shall be deemed the act of said Commission. Said Commissioners shall have the power, and all be their duty, to establish rates of charges for the transportation of passengers and freight by railroad or other transportation companies, and publish the same from time to time, with such changes as they may make; to examine the books, records, and papers of all railroad and other transportation companies, and for this purpose shall have power to issue subpoenas and all other necessary process; to hear and determine complaints against railroad and other transportation companies, to take depositions and papers, to administer oaths, take testimony, and punish for contempt of their orders and processes, in the same manner and to the same extent as trials of record, and enforce their decisions and correct abuses through the medium of the Courts. Said Commissioners shall prescribe a uniform system of accounts to be kept by all such corporations and companies. Any railroad corporation or transportation company which shall fail or refuse to conform to such rates as shall be established by such Commissioners, or shall charge rates in excess thereof, or shall fail to keep their accounts in accordance with the system prescribed by the Commission, shall be fined not exceeding twenty thousand dollars for each offense, and every officer, agent, or employé of any such corporation or company, who shall demand or receive a compensation in excess thereof, or who shall in any manner violate the provisions of this section, shall be fined not exceeding five thousand dollars, or be imprisoned in the county jail not exceeding one year. In all controversies, civil or criminal, the rates of fares and freights established by the Commission shall be deemed conclusively just and reasonable, and in any action against such corporation or company for damages sustained by charging excessive rates, the plaintiff, in addition to the actual damages, may, in the discretion of the Judge or jury, recover exemplary damages. Said Commission shall report to the Governor, annually, their proceedings, and such other

ARTICLE XI.

§ 13. Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law; but Assessors and Collectors of town, county, and State taxes shall be elected by the qualified electors of the

facts as may be deemed important. Nothing in this section shall prevent individuals from maintaining actions against any of such companies. The Legislature may, in addition to any penalties herein prescribed, enforce this article by forfeiture of charter or otherwise, and may confer such further powers on the Commissioners as shall be necessary to enable them to perform the duties enjoined on them in this and the foregoing section. The Legislature shall have power, by a two-thirds vote of all the members elected to each House, to remove any one or more of said Commissioners from office, for dereliction of duty, or corruption, or incompetency; and whenever, from any cause, a vacancy in office shall occur in said Commission, the Governor shall fill the same by the appointment of a qualified person thereto, who shall hold office for the residue of the unexpired term, and until his successor shall have been elected and qualified.

S 23. Until the Legislature shall district the State, the following shall be the railroad districts: The First District shall be composed of the Counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Humboldt, Lake, Lassen, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo, and Yuba, from which one Railroad Commissioner shall be elected. The Second District shall be composed of the Counties of Marin, San Francisco, and San Mateo, from which one Railroad Commissioner shall be elected. The Third District shall be composed of the Counties of Alameda, Contra Costa, Fresno, Inyo, Kern, Los Angeles, Mariposa, Merced, Mono, Monterey, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne, and Ventura, from which one Railroad Commissioner shall be elected.

S 24. The Legislature shall pass all laws necessary for the enforcement of the provisions of this article.

ARTICLE XIII.

REVENUE AND TAXATION.

S 1. All property in the State, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks,

district, county, or town in which the property taxed for State, county, or town purposes is situated.

Section 11:

dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State, shall be exempt from taxation. The Legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State.

S 2. Land, and the improvements thereon, shall be separately assessed. Cultivated and uncultivated land, of the same quality, and similarly situated, shall be assessed at the same value.

S 3. Every tract of land containing more than six hundred and forty acres, and which has been sectionized by the United States Government, shall be assessed, for the purposes of taxation, by sections or fractions of sections. The Legislature shall provide by law for the assessment, in small tracts, of all lands not sectionized by the United States Government.

S 4. A mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi public corporations, in case of debts so secured, the value of the property affected by such mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city, or district in which the property affected thereby is situate. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of the security, the tax so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and to the extent of such payment a full discharge thereof; *provided*, that if any such security or indebtedness shall be paid by any such debtor or debtors, after assessment and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy for the preceding year.

S 5. Every contract hereafter made, by which a debtor is obligated to pay any tax or assessment on money loaned,

or on any mortgage, deed of trust, or other lien, shall, as to any interest specified therein, and as to such tax or assessment, be null and void.

§ 6. The power of taxation shall never be surrendered or suspended by any grant or contract to which the State shall be a party.

§ 7. The Legislature shall have the power to provide by law for the payment of all taxes on real property by installments.

§ 8. The Legislature shall by law require each taxpayer in this State to make and deliver to the County Assessor, annually, a statement, under oath, setting forth specifically all the real and personal property owned by such taxpayer, or in his possession, or under his control, at twelve o'clock meridian, on the first Monday of March.

§ 9. A State Board of Equalization, consisting of one member from each congressional district in this State, shall be elected by the qualified electors of their respective districts at the general election to be held in the year one thousand eight hundred and seventy-nine, whose term of office after those first elected shall be four years, whose duty it shall be to equalize the valuation of the taxable property of the several counties in the State for the purposes of taxation. The Controller of State shall be ex officio a member of the Board. The Boards of Supervisors of the several counties of the State shall constitute Boards of Equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; *provided*, such State and County Boards of Equalization are hereby authorized and empowered, under such rules of notice as the County Boards may prescribe, as to the county assessments, and under such rules of notice as the State Board may prescribe, as to the action of the State Board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll.

§ 10. All property, except as hereinafter in this section provided, shall be assessed in the county, city, city and county, town, township, or district in which it is situated, in the manner prescribed by law. The franchise, roadway, road-bed, rails and rolling stock of all railroads operated in more than one county in this State shall be as-

sesed by the State Board of Equalization, at their actual value, and the same shall be apportioned to the counties, cities and counties, cities, towns, townships, and districts in which such railroads are located, in proportion to the number of miles of railway laid in such counties, cities and counties, cities, towns, townships, and districts.

S 11. Income taxes may be assessed to and collected from persons, corporations, joint-stock associations, or companies resident or doing business in this State, or any one or more of them, in such cases and amounts, and in such manner, as shall be prescribed by law.

S 12. The Legislature shall provide for the levy and collection of an annual poll tax of not less than two dollars on every male inhabitant of this State, over twenty-one and under sixty years of age, except paupers, idiots, insane persons, and Indians not taxed. Said tax shall be paid into the State School Fund.

S 13. The Legislature shall pass all laws necessary to carry out the provisions of this article.

ARTICLE XIV.

WATER AND WATER RIGHTS.

S 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law; *provided*, that the rates or compensation to be collected by any person, company, or corporation in this State for the use of water supplied to any city and county, or city or town, or the inhabitants thereof, shall be fixed, annually, by the Board of Supervisors, or city and county, or City or Town Council, or other governing body of such city and county, or city or town, by ordinance or otherwise, in the manner that other ordinances or legislative acts or resolutions are passed by such body, and shall continue in force for one year and no longer. Such ordinances or resolutions shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Any Board or body failing to pass the necessary ordinances or resolutions fixing water-rates, where necessary, within such time, shall be subject to peremptory process to compel action at the suit of any party interested, and shall be liable to such further processes and penalties as the Legislature may prescribe. Any person, company, or corporation collecting water-

**ARTICLE VIII.
STATE DEBTS.**

§ 1. The Legislature shall not in any manner create any debt or debts, liability or liabilities, which shall, singly or in the aggregate, with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war, to repel invasion, or suppress insurrection, unless the same shall be authorized by some law for some single object or work, to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and dis-

rates in any city and county, or city or town in this State, otherwise than as so established, shall forfeit the franchises and water-works of such person, company, or corporation to the city and county, or city or town where the same are collected, for the public use.

§ 2. The right to collect rates or compensation for the use of water supplied to any county, city and county, or town, or the inhabitants thereof, is a franchise, and cannot be exercised except by authority of and in the manner prescribed by law.

ARTICLE XV.

HARBOR FRONTAGES, ETC.

§ 1. The right of eminent domain is hereby declared to exist in the State to all frontages on the navigable waters of this State.

§ 2. No individual, partnership, or corporation, claiming or possessing the the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.

§ 3. All tide lands within two miles of any incorporated city or town in this State, and fronting on the waters of any harbor, estuary, bay, or inlet used for the purposes of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations.

ARTICLE XVI.

STATE INDEBTEDNESS.

§ 1. The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of

charge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created; and such law shall be published in at least one newspaper in each Judicial District, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people.

SCHEDULE.

§ 16. The limitation of the powers of the Legislature contained in Article VIII of this Constitution shall not extend to the first Legislature elected under the same, which is hereby authorized to negotiate for such amount as may be necessary to pay the expenses of the State Government.

ARTICLE XI.

§ 15. The Legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

ARTICLE X.**MODE OF AMENDING AND REVISING THE CONSTITUTION.**

§ 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly; and if the same shall be agreed to by a majority of the members

such debt or liability within twenty years of the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people. The Legislature may at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same.

ARTICLE XVII.

LAND, AND HOMESTEAD EXEMPTION.

§ 1. The Legislature shall protect, by law, from forced sale a certain portion of the homestead and other property of all heads of families.

§ 2. The holding of large tracts of land, uncultivated and unimproved, by individuals or corporations, is against the public interest, and should be discouraged by all means not inconsistent with the rights of private property.

§ 3. Lands belonging to this State, which are suitable for cultivation, shall be granted only to actual settlers, and in quantities not exceeding three hundred and twenty acres to each settler, under such conditions as shall be prescribed by law.

ARTICLE XVIII.

AMENDING AND REVISING THE CONSTITUTION.

§ 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if two-thirds of all the members elected to each of the two

elected to each of the two Houses, such proposed amendment or amendments shall be entered on their Journals, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if, in the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall become part of the Constitution.

§ 2. And if at any time two-thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors at the next election for members of the Legislature to vote for or against a Convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a Convention, the Legislature shall, at its next session, provide by law for calling a Convention, to be held within six months after the passage of such law; and such Convention shall consist of a number of members not less than that of both branches of the Legislature.* The Constitution that may have been agreed upon and adopted by such Convention shall be submitted to the people, at a special election to be provided for by law, for their ratification or rejection. Each voter shall express his opinion by depositing in the ballot box a ticket, whereon shall be written or printed the words "For the New Constitution," or "Against the New Constitution." The returns of such election shall, in such manner as the Convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the votes so certified to him. If, by such examination, it be ascertained that a majority of the whole number of votes cast at such election be in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California.

[Words after the * were added by amendment of 1856.]

Houses shall vote in favor thereof, such proposed amendment or amendments shall be entered in their Journals, with the yeas and nays taken thereon; and it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people in such manner, and at such time, and after such publication as may be deemed expedient. Should more amendments than one be submitted at the same election they shall be so prepared and distinguished, by numbers or otherwise, that each can be voted on separately. If the people shall approve and ratify such amendment or amendments, or any of them, by a majority of the qualified electors voting thereon, such amendment or amendments shall become a part of this Constitution.

S 2. Whenever two-thirds of the members elected to each branch of the Legislature shall deem it necessary to revise this Constitution, they shall recommend to the electors to vote at the next general election for or against a Convention for that purpose, and if a majority of the electors voting at such election on the proposition for a Convention shall vote in favor thereof, the Legislature shall, at its next session, provide by law for calling the same. The Convention shall consist of a number of delegates not to exceed that of both branches of the Legislature, who shall be chosen in the same manner, and have the same qualifications, as members of the Legislature. The delegates so elected shall meet within three months after their election at such place as the Legislature may direct. At a special election to be provided for by law, the Constitution that may be agreed upon by such Convention shall be submitted to the people for their ratification or rejection, in such manner as the Convention may determine. The returns of such election shall, in such manner as the Convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the returns so certified to him; and it shall be the duty of the Executive to declare, by his proclamation, such Constitution, as may have been ratified by a majority of all the votes cast at such special election, to be the Constitution of the State of California.

ARTICLE XIX.

CHINESE.

§ 1. The Legislature shall prescribe all necessary regulations for the protection of the State, and the counties, cities, and towns thereof, from the burdens and evils arising from the presence of aliens who are or may become vagrants, paupers, mendicants, criminals, or invalids afflicted with contagious or infectious diseases, and from aliens otherwise dangerous or detrimental to the well-being or peace of the State, and to impose conditions upon which such persons may reside in the State, and to provide the means and mode of their removal from the State, upon failure or refusal to comply with such conditions; *provided*, that nothing contained in this section shall be construed to impair or limit the power of the Legislature to pass such police laws or other regulations as it may deem necessary.

§ 2. No corporation now existing or hereafter formed under the laws of this State, shall, after the adoption of this Constitution, employ, directly or indirectly, in any capacity, any Chinese or Mongolian. The Legislature shall pass such laws as may be necessary to enforce this provision.

§ 3. No Chinese shall be employed on any State, county, municipal, or other public work, except in punishment for crime.

§ 4. The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, and the Legislature shall discourage their immigration by all the means within its power. Asiatic coolieism is a form of human slavery, and is forever prohibited in this State, and all contracts for coolie labor shall be void. All companies or corporations, whether formed in this country or any foreign country, for the importation of such labor, shall be subject to such penalties as the Legislature may prescribe. The Legislature shall delegate all necessary power to the incorporated cities and towns of this State for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits, and it shall also provide the necessary legislation to prohibit the introduction into this State of Chinese after the adoption of this Constitution. This section shall be enforced by appropriate legislation.

ARTICLE XI.
MISCELLANEOUS PROVISIONS.

§ 1. The first session of the Legislature shall be held at the Pueblo de San José, which place shall be the permanent seat of government until removed by law; *provided*, however, that two-thirds of all the members elected to each House of the Legislature shall concur in the passage of such law.

§ 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit or to enjoy the right of suffrage under this Constitution.

§ 3. Members of the Legislature and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of _____, according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

§ 6. All officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

§ 8. The fiscal year shall commence on the first day of July.

§ 11. Suits may be brought against the State in such manner and in such Courts as shall be directed by law.

§ 12. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

ARTICLE XX.

MISCELLANEOUS SUBJECTS.

§ 1. The City of Sacramento is hereby declared to be the seat of government of this State, and shall so remain until changed by law; but no law changing the seat of government shall be valid or binding unless the same be approved and ratified by a majority of the qualified electors of the State voting therefor at a general State election, under such regulations and provisions as the Legislature, by a two-thirds vote of each House, may provide, submitting the question of change to the people.

§ 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit, or to enjoy the right of suffrage under this Constitution.

§ 3. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of _____, according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

§ 4. All officers or Commissioners whose election or appointment is not provided for by this Constitution, and all officers or Commissioners whose offices or duties may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

§ 5. The fiscal year shall commence on the first day of July.

§ 6. Suits may be brought against the State in such manner and in such Courts as shall be directed by law.

§ 7. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

S 14. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise, or descent, shall be her separate property, and laws shall be passed more clearly defining the rights of the wife in relation as well to her separate property as to that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

S 16. No perpetuities shall be allowed except for eleemosynary purposes.

S 17. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

S 18. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

S 19. Absence from this State on business of the State or of the United States shall not affect the question of residence of any person.

SCHEDULE.

S 4. The provisions of this Constitution concerning the term of residence necessary to enable persons to hold certain offices therein mentioned, shall not be held to apply to officers chosen by the people at the first election, or by the Legislature at its first session.

ARTICLE XI.

S 20. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

S 8. All property, real and personal, owned by either husband or wife before marriage, and that acquired by either of them afterwards by gift, devise, or descent, shall be their separate property.

S 9. No perpetuities shall be allowed except for eleemosynary purposes.

S 10. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

S 11. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, persons convicted of bribery, perjury, forgery, malfeasance in office, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

S 12. Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person.

S 13. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

S 14. The Legislature shall provide, by law, for the maintenance and efficiency of a State Board of Health.

S 15. Mechanics, material men, artisans, and laborers of every class, shall have a lien upon the property upon which they have bestowed labor or furnished material for the value of such labor done and material furnished; and

§ 7. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment; nor shall the duration of any office not fixed by this Constitution ever exceed four years.

SCHEDULE.

§ 13. All officers of this State, other than members of the Legislature, shall be installed into office on the fifteenth day of December next, or as soon thereafter as practicable.

ARTICLE XII.

BOUNDARY.

§ 1. The boundary of the State of California shall be as follows:

Commencing at the point of intersection of forty-second degree of north latitude with the one hundred twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude; thence running in a straight line in a southeasterly direction to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down the middle of the channel of said river to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence, running west and along said boundary line, to the Pacific Ocean, and ex-

the Legislature shall provide, by law, for the speedy and efficient enforcement of such liens.

§ 16. When the term of any officer or Commissioner is not provided for in this Constitution, the term of such officer or Commissioner may be declared by law; and, if so declared, such officer or Commissioner shall hold his position as such officer or Commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years.

§ 17. Eight hours shall constitute a legal day's work on all public work.

§ 18. No person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation, or profession.

§ 19. Nothing in this Constitution shall prevent the Legislature from providing, by law, for the payment of the expenses of the Convention framing this Constitution, including the per diem of the Delegates for the full term thereof.

§ 20. Elections of the officers provided for by this Constitution, except at the election in the year eighteen hundred and seventy-nine, shall be held on the even numbered years next before the expiration of their respective terms. The terms of such officers shall commence on the first Monday after the first day of January next following their election.

ARTICLE XXI. BOUNDRY.

§ 1. The boundary of the State of California shall be as follows: Commencing at the point of intersection of the forty-second degree of north latitude with the one hundred and twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred and twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude; thence running in a straight line, in a southeasterly direction, to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down the middle of the channel of said river to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence running west and along said boundary line to the Pacific Ocean, and extending therein

tending therein three English miles; thence, running in a northwesterly direction and following the direction of the Pacific Coast, to the forty-second degree of north latitude; thence, on the line of said forty-second degree of north latitude, to the place of beginning. Also, all the islands harbors, and bays along and adjacent to the coast.

SCHEDULE.

§ 3. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no office shall be superseded thereby nor the laws relative to the duties of the several officers be changed until the entering into office of the new officers to be appointed under this Constitution.

§ 1. All rights, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this Constitution and not inconsistent therewith, until altered or repealed by the Legislature, shall continue as if the same had not been adopted.

ARTICLE VI.

§ 19. In order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said Article VI, by the Legislature of eight-

three English miles; thence running in a northwesterly direction and following the direction of the Pacific Coast to the forty-second degree of north latitude; thence on the line of said forty-second degree of north latitude to the place of beginning. Also, including all the islands, harbors, and bays along and adjacent to the coast.

ARTICLE XXII.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the Constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:

§ 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, shall remain in full force and effect until altered or repealed by the Legislature; and all rights, actions, prosecutions, claims, and contracts of the State, counties, individuals, or bodies corporate, not inconsistent therewith, shall continue to be as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution shall cease upon the adoption thereof, except that all laws which are inconsistent with such provisions of this Constitution as require legislation to enforce them shall remain in full force until the first day of July, eighteen hundred and eighty, unless sooner altered or repealed by the Legislature.

§ 2. That all recognizances, obligations, and all other instruments entered into or executed before the adoption of this Constitution, to this State, or to any subdivision thereof, or any municipality therein, and all fines, taxes, penalties, and forfeitures due or owing to this State, or any subdivision or municipality thereof, and all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the adoption of this Constitution. All indictments or informations which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as otherwise provided in this Constitution.

§ 3. All Courts now existing, save Justices' and Police Courts, are hereby abolished; and all records, books, papers, and proceedings from such Courts, as are abolished

een hundred and sixty-one, no officer shall be superseded thereby, nor shall the organization of the several Courts be changed thereby, until the election and qualification of the several officers provided for in said amendment.

[The whole of article six was amended in 1862.]

SCHEDULE.

§ 2. The Legislature shall provide for the removal of all causes which may be pending when this Constitution goes into effect to Courts created by the same.

§ 6. This Constitution shall be submitted to the people for their ratification or rejection at the general election to be held on Tuesday, the thirteenth day of November next. The Executive of the existing Government of California is hereby requested to issue a proclamation to the people, directing the Prefects of the several districts, or, in case of vacancy, the Sub-Prefects or Senior Judge of First Instance, to cause such election to be held on the day aforesaid in their respective districts. The election shall be conducted in the manner which was prescribed for the election of Delegates to this Convention, except that the Prefects, Sub-Prefects, or Senior Judge of First Instance ordering such election in each district shall have power to designate any additional number of places for opening the polls, and that in every place of holding the election a regular poll list shall be kept by the Judges and Inspectors of Election. It shall also be the duty of these Judges and Inspectors of Election, on the day aforesaid, to receive the votes of the electors qualified to vote at such election. Each voter shall express his opinion by depositing in the ballot box a ticket whereon shall be written or printed, "For the Constitution," or "Against the Constitution," or some such words as will distinctly convey the intention of the voter. These Judges and Inspectors shall also receive the votes for the several officers to be voted for at the said election, as herein provided. At the close of the election the Judges and Inspectors shall carefully count each ballot, and forthwith make duplicate returns thereof to the Prefect, Sub-Prefect, or Senior Judge of First Instance, as the case may be, of their respective districts; and said Prefect, Sub-Prefect, or Senior Judge of First Instance shall transmit one of the same, by the most safe and rapid conveyance, to the Secretary of State. Upon the receipt of said returns, or on the tenth day of December next, if the returns be not sooner received, it shall be the duty of a Board of Canvassers,

by this Constitution, shall be transferred on the first day of January, eighteen hundred and eighty, to the Courts provided for in this Constitution; and the Courts to which the same are thus transferred shall have the same power and jurisdiction over them as if they had been in the first instance commenced, filed, or lodged therein.

S 4. The Superintendent of Printing of the State of California shall, at least thirty days before the first Wednesday in May, A. D. eighteen hundred and seventy-nine, cause to be printed at the State Printing Office, in pamphlet form, simply stitched, as many copies of this Constitution as there are registered voters in this State, and mail one copy thereof to the post-office address of each registered voter; *provided*, any copies not called for ten days after reaching their delivery office, shall be subject to general distribution by the several Postmasters of the State. The Governor shall issue his proclamation, giving notice of the election for the adoption or rejection of this Constitution, at least thirty days before the said first Wednesday of May, eighteen hundred and seventy-nine, and the Boards of Supervisors of the several counties shall cause said proclamation to be made public in their respective counties, and general notice of said election to be given at least fifteen days next before said election.

S 5. The Superintendent of Printing of the State of California shall, at least twenty days before said election, cause to be printed and delivered to the Clerk of each county in this State five times the number of properly prepared ballots for said election that there are voters in said respective counties, with the words printed thereon: "For the new Constitution." He shall likewise cause to be so printed and delivered to said Clerks five times the number of properly prepared ballots for said election that there are voters in said respective counties, with the words printed thereon: "Against the new Constitution." The Secretary of State is hereby authorized and required to furnish the Superintendent of State Printing a sufficient quantity of legal ballot paper, now on hand, to carry out the provisions of this section.

S 6. The Clerks of the several counties in the State shall, at least five days before said election, cause to be

to consist of the Secretary of State, one of the Judges of the Superior Court, the Prefect, Judge of First Instance, and an Alcalde of the District of Monterey, or any three of the aforementioned officers, in the presence of all who shall choose to attend, to compare the votes given at said election, and to immediately publish an abstract of the same in one or more of the newspapers of California. And the Executive will also, immediately after ascertaining that the Constitution has been ratified by the people, make proclamation of the fact; and thenceforth this Constitution shall be ordained and established as the Constitution of California.

§ 5. Every citizen of California declared a legal voter by this Constitution, and every citizen of the United States a resident of this State on the day of election, shall be entitled to vote at the first general election under this Constitution, and on the question of the adoption thereof.

§ 7. If this Constitution shall be ratified by the people of California, the Executive of the existing Government is hereby requested, immediately after the same shall be ascertained, in the manner herein directed, to cause a fair copy thereof to be forwarded to the President of the United States, in order that he may lay it before the Congress of the United States.

delivered to the Inspectors of Elections, at each election precinct or polling place in their respective counties, suitable registers, poll-books, forms of return, and an equal number of the aforesaid ballots, which number, in the aggregate, must be ten times greater than the number of voters in the said election precincts or polling places. The returns of the number of votes cast at the Presidential election in the year eighteen hundred and seventy-six shall serve as a basis of calculation for this and the preceding section; *provided*, that the duties in this and the preceding section imposed upon the Clerk of the respective counties shall, in the City and County of San Francisco, be performed by the Registrar of Voters for said city and county.

§ 7. Every citizen of the United States, entitled by law to vote for members of the Assembly in this State, shall be entitled to vote for the adoption or rejection of this Constitution.

§ 8. The officers of the several counties of this State, whose duty it is, under the law, to receive and canvass the returns from the several precincts of their respective counties, as well as of the City and County of San Francisco, shall meet at the usual places of meeting for such purposes on the first Monday after said election. If, at the time of meeting, the returns from each precinct in the county in which the polls were opened have been received, the Board must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from time to time until all the returns are received, or until the second Monday after said election, when they shall proceed to make out returns of the votes cast for and against the new Constitution; and the proceedings of said Boards shall be the same as those prescribed for like Boards in the case of an election for Governor. Upon the completion of said canvass and returns, the said Board shall immediately certify the same, in the usual form, to the Governor of the State of California.

§ 9. The Governor of the State of California shall, as soon as the returns of said election shall be received by him, or within thirty days after said election, in the presence and with the assistance of the Controller, Treasurer, and Secretary of State, open and compute all the returns received of votes cast for and against the new Constitution. If, by such examination and computation, it is as-

§ 8. At the general election aforesaid, viz: the thirteenth day of November next, there shall be elected a Governor, Lieutenant Governor, members of the Legislature, and also two members of Congress.

§ 9. If this Constitution shall be ratified by the people of California, the Legislature shall assemble at the seat of Government on the fifteenth day of December next; and in order to complete the organization of that body the Senate shall elect a President pro tempore, until the Lieutenant Governor shall be installed into office.

§ 10. On the organization of the Legislature, it shall be the duty of the Secretary of State to lay before each House a copy of the abstract made by the Board of Canvassers, and, if called for, the original returns of election, in order that each House may judge of the correctness of the report of said Board of Canvassers.

§ 11. The Legislature, at its first session, shall elect such officers as may be ordered by this Constitution to be elected by that body, and within four days after its organization, proceed to elect two Senators to the Congress of the United States. But no law passed by this Legislature shall take effect until signed by the Governor after his installation into office.

§ 12. The Senators and Representatives of the Congress of the United States elected by the Legislature and people of California, as herein directed, shall be furnished with certified copies of this Constitution, when ratified, which they shall lay before the Congress of the United States, requesting, in the name of the people of California, the admission of the State of California into the American Union.

certained that a majority of the whole number of votes cast at such election is in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California, and that it shall take effect and be in force on the days hereinafter specified.

S 10. In order that future elections in this State shall conform to the requirements of this Constitution, the terms of all officers elected at the first election under the same shall be, respectively, one year shorter than the terms as fixed by law or by this Constitution; and the successors of all such officers shall be elected at the last election before the expiration of the terms as in this section provided. The first officers chosen, after the adoption of this Constitution, shall be elected at the time and in the manner now provided by law. Judicial officers and the Superintendent of Public Instruction shall be elected at the time and in the manner that State officers are elected.

ARTICLE IX.

§ 39. In order that no inconvenience may result to the public service from the taking effect of the amendments proposed to Article IV by the Legislature of eighteen hundred and sixty-one, no officer shall be suspended or superseded thereby until the election and qualification of the several officers provided for in said amendments.

[New section in amendment of 1862.]

R. SEMPLE,
President, and Delegate from Benicia.

Wm. G. MARCY, Secretary.

JOSEPH ARAM, CH. T. BOTT, ELAM BROWN, ELISHA O. CROSBY, JOSE M. COVARUBIAS, STEPHEN C. FOSTER, PABLO DE LA GUERRA, LEWIS DENT, KIMBALL H. DIMMICK, A. J. ELLIS, JOSE ANTO CARRILLO, WM. M. GWIN, EDW. GILBERT, HENRY HILL, J. D. HOPPE, JOSEPH HOBSON, JULIAN HANKS, H. W. HALLECK, L. W. HASTINGS, J. MCHENRY HOLLINSWORTH, JAS. MCHELL JONES, THOMAS O. LARKIN, FRANCIS J. LIPPITT, BENJ S. LIPPINCOTT	BENJ. F. MOORE, RODMAN M. PRICE, JNO. McDougall, MAN'L DOMINGUZ, MYRON NORTON, PACIFICUS ORD, MIGUEL D. PEDRORENA, M. M. MCCARVER, ANTONIO MA. PICO, JACINTO RODRIGUEZ, HUGH REID, J. A. SUTTER, JACOB R. SNYDER, WINFIELD SCOTT SHERWOOD, WILLIAM E. SHANNON, ABEL STEARNS, P. SANSEVAINE, WM. M. STEUART, HENRY A. TEFFT, M. G. VALLEJO, THOS. L. VERMEULE, J. P. WALKER, O. M. WOZENCRAFT.
---	---

S 11. All laws relative to the present judicial system of the State shall be applicable to the judicial system created by this Constitution until changed by legislation.

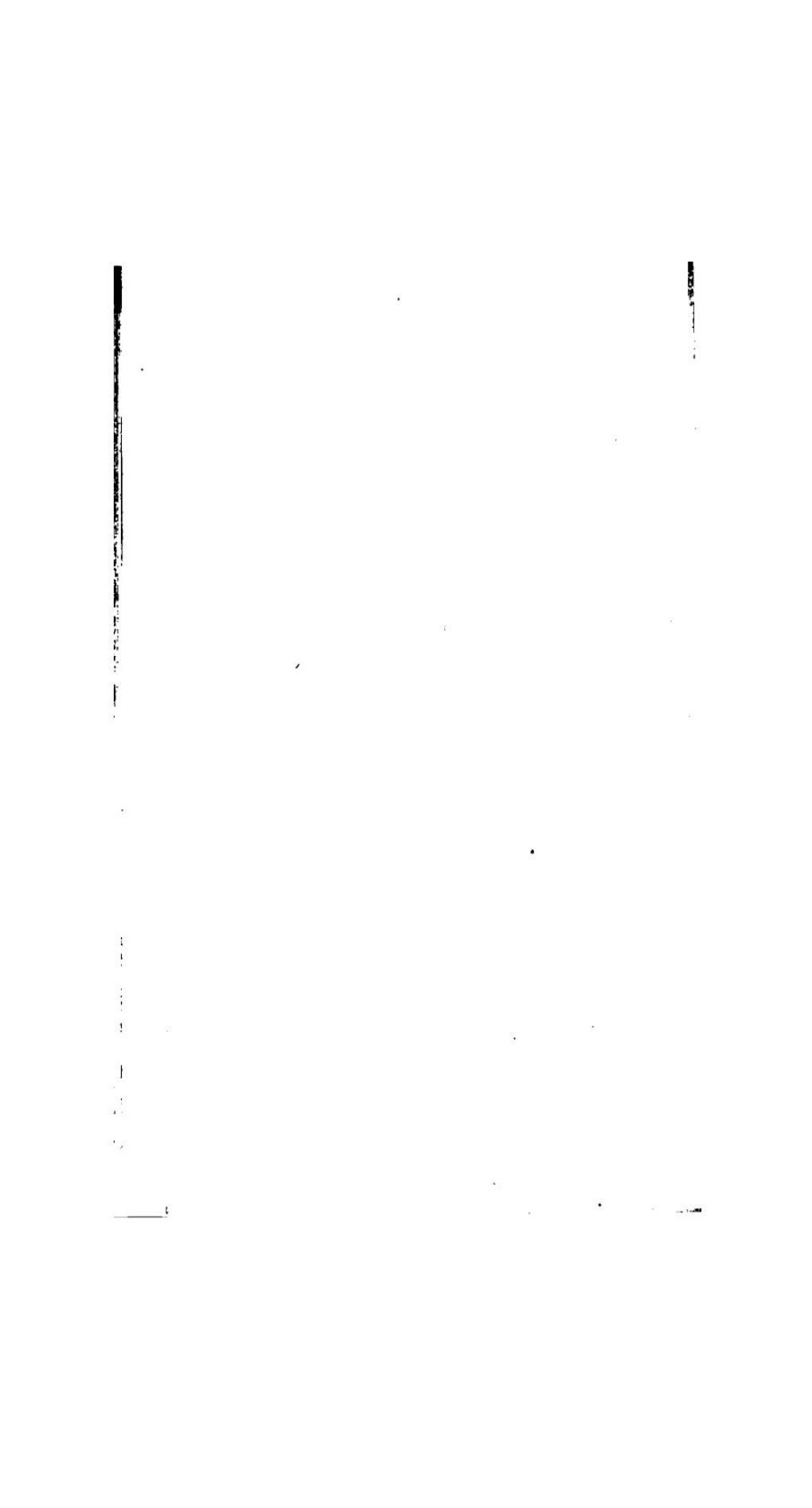
S 12. This Constitution shall take effect and be in force on and after the fourth day of July, eighteen hundred and seventy-nine, at twelve o'clock meridian, so far as the same relates to the election of all officers, the commencement of their terms of office, and the meeting of the Legislature. In all other respects, and for all other purposes, this Constitution shall take effect on the first day of January, eighteen hundred and eighty, at twelve o'clock meridian.

J. P. HOGE,
President.

Attest: EDWIN F. SMITH, Secretary.

A. R. ANDREWS,	JNO. S. HAGER,
JAMES J. AYERS,	JOHN B. HALL,
CLITUS BARBOUR,	THOMAS HARRISON,
EDWARD BARRY,	JOEL A. HARVEY,
JAMES N. BARTON,	T. D. HEISKELL,
C. J. BEERSTECHER,	CONRAD HEROLD,
ISAAC S. BELCHER,	D. W. HERRINGTON,
PETER BELL,	S. G. HILBORN,
MARION BIGGS,	J. R. W. HITCHCOCK,
E. T. BLACKMER,	J. E. HALE,
JOSEPH C. BROWN,	VOLNEY E. HOWARD,
SAM'L. B. BURT,	SAM A. HOLMES,
JOSIAH BOUCHER,	W. J. HOWARD,
JAMES CAPLES,	WM. PROCTOR HUGHEY,
AUG. H. CHAPMAN,	W. F. HUESTIS,
J. M. CHARLES,	G. W. HUNTER,
JOHN D. CONDON,	DANIEL INMAN,
C. W. CROSS,	GEORGE A. JOHNSON,
HAMLET DAVIS,	L. F. JONES,
JAS. E. DEAN,	PETER J. JOYCE,
P. T. DOWLING,	J. M. KELLEY,
LUKE D. DOYLE,	JAMES H. KEYES,
W. L. DUDLEY,	JOHN J. KENNY,
JONATHAN M. DUDLEY,	C. R. KLEINE,
PRESLEY DUNLAP,	T. H. LAINE,
JOHN EAGON,	HENRY LARKIN,
THOMAS H. ESTEY,	R. M. LAMPSON,
HENRY EDGERTON,	R. LAVIGNE,
M. M. ESTEE,	H. M. LA RUE,
EDWARD EVERY,	DAVID LEWIS,
J. A. FILCHER,	J. F. LINDOW,
SIMON J. FARRELL,	JNO. MANSFIELD,
ABRAHAM CLARK FREEMAN,	EDWARD MARTIN,
JACOB RICHARD FREUD,	J. WEST MARTIN,
J. B. GARVEY,	RUSH MCCOMAS,
B. B. GLASSCOCK,	JOHN G. McCALLUM,
JOSEPH C. GORMAN,	THOMAS McCONNELL,
W. P. GRACE,	JOHN MCCOY,
W. M. J. GRAVES,	THOMAS B. McFARLAND,
	HIRAM MILLS,

WM. S. MOFFATT,	E. P. SOULE,
JOHN FLEMING McNUTT,	D. C. STEVENSON,
W. W. MORELAND,	GEO. STEELE,
L. D. MORSE,	CHAS. V. STUART,
JAMES E. MURPHY,	W. J. SWEASEY,
EDMUND NASON,	CHARLES SWENSON,
THORWALD KLAUDIUS NEL- SON,	R. S. SWING,
HENRY NEUNABER,	D. S. TERRY,
CHAS. C. O'DONNELL,	S. B. THOMPSON,
GEORGE OHLEYER,	F. O. TOWNSEND,
JAMES O'SULLIVAN,	W. J. TINNIN,
JAMES MARTIN PORTER,	DANIEL TUTTLE,
WILLIAM H. PROUTY,	P. B. TULLY,
M. E. C. PULLIAM,	H. K. TURNER,
CHAS. F. REED,	A. P. VACQUEREL,
PATRICK REDDY,	WALTER VAN DYKE,
JNO. M. RHODES,	WM. VAN VOORHIES,
JAS. S. REYNOLDS,	HUGH WALKER,
HORACE C. ROLFE,	JNO. WALKER,
CHAS. S. RINGGOLD,	BYRON WATERS,
JAMES McM. SHAFTER,	JOSEPH R. WELLER,
GEO. W. SCHELL,	J. V. WEBSTER,
J. SCHOMP,	JOHN P. WEST,
RUFUS SHOEMAKER,	PATRICK M. WELLIN,
E. O. SMITH,	JOHN T. WICKES,
BENJ. SHURTLEFF,	WM. F. WHITE,
GEO. VENABLE SMITH,	H. C. WILSON,
H. W. SMITH,	JOS. W. WINANS,
JOHN C. STEDMAN,	N. G. WYATT.



INDEX

TO THE

Constitution of California,

1879.

- Abandoned children**—State may provide for support of, Art. 4, § 22.
Absence—of Governor, duties devolve on Lieutenant-Governor, 5, 16.
 of Chief Justice, selection *pro tempore*, 6, 2.
 of judicial officer, when a forfeiture of office, 6, 9.
 of citizen on public business not to affect residence, 20, 12.
Accounts—of receipts and expenditures to be published, 4, 22.
Acquisition of property—rights of aliens, 1, 17.
Actions and causes of action—unaffected by adoption of Constitution, 22, 2.
Adjournment of Legislature—for want of quorum, 4, 8.
 restriction on right of, 4, 14.
 loss of per diem by, 4, 14.
Adjustment of population—in legislative districts, 4, 6.
Adoption of children—special legislation prohibited, 4, 25.
Affidavit—required of justice or judge on drawing salary, 6, 24.
 to sustain issue of warrants, 1, 19.
Affirmation—see OATH.
Aged persons—State may provide for support of, 4, 22.
Agreement for extra compensation—to public officials, void, 4, 32.
Agricultural college—provisions regarding, 9, 9.
Aid from public funds—to private institutions prohibited, 4, 22.
 to religious sects prohibited, 4, 30.
Alameda—two Superior Court Judges to be elected, 6, 6.
 salary of Judge of Superior Court, 6, 17.
Alienation of franchise—not to relieve from liability, 12, 10.
Aliens detrimental to State—protection from, 19, 1.
 foreigners ineligible to citizenship declared dangerous, 19, 4.
 their immigration to be discouraged, 19, 4.
Amendments to bills—how made, 4, 15.
 to be printed, 4, 15.

- Amendment to Constitution**—may be proposed in either House, Art. 18, § 1.
 two-thirds vote required, 18, 1.
 to be submitted to vote of people, 18, 1.
 several, to be voted on separately, 18, 1.
 if ratified by majority, part of Constitution, 18, 1.
- American Union**—State part of, 1, 3.
- Appellate jurisdiction**—of Supreme Court, 6, 4.
 of Superior Court, 6, 5.
- Appointment and removal**—of Board of Prison Directors, 10, 1.
 of Warden and Clerk, 10, 3.
 of subordinate officers and employees, 10, 3.
 of inspection officers, by municipal corporations, 11, 14.
 to be according to legislative direction, 20, 4.
- Apportionment**—of members of Legislature, 4, 6.
- Appropriation bill**—Governor may veto separate items of, 4, 16.
 duty of Governor as to, 4, 16.
 what bill to contain, 4, 29.
 for specific purpose to contain but one item, 4, 34.
- Appropriations**—to eleemosynary institutions, *pro rata* to counties, cities, and towns, 4, 22.
 for private corporations and institutions prohibited, 4, 22.
 by Legislature and local governments, restriction on, 4, 30.
- Archives**—all laws, official writings, and proceedings to be preserved, 4, 24.
- Army**—standing not to be kept, 1, 12.
- Arrest**—members of Legislature privileged from, 4, 11.
- Artificial light**—right of cities to regulate charges, 11, 19.
- Artisans**—secured by lien on property, 20, 15.
- Asiatic coolieism**—a form of slavery, 19, 4.
 forever prohibited, 19, 4.
- Assembly**—legislative power vested in, 4, 1.
 members, when and how chosen, 4, 3.
 term of office, 4, 6.
 number of members, 4, 5.
 districts to be formed, 4, 8.
 vacancies, how filled, 4, 12.
 to have sole power of impeachment, 4, 17.
 compensation of, 4, 23.
 attachment of district to form congressional district, 4, 27.
 district not to be divided, 4, 27.
- Assemblages of the people**—guarantee, 1, 10.
- Assessment**—appellate jurisdiction of Supreme Court, 6, 4.
 original jurisdiction of Superior Courts, 6, 5.
 of lands for taxes, 13, 2.
 of lands sectionized and not sectionized, 13, 3.
 mortgages, deeds of trust, etc., deemed property, 13, 4.
 of railroads, 13, 4.
 of railroad franchises, 13, 10.
 of revenue under township organization, 11, 4.
 securities, to whom assessed, 13, 4.
 where to be made, 13, 10.
 of taxes to be under general laws, 4, 25.
 for income tax, 13, 11.
 See **TAXATION**.
- Assignment of Justices**—to departments of Supreme Court, 6, 2.

- Associate Justices**—subject to impeachment, Art. 4, § 18.
to be assigned to departments of Supreme Court, 6, 2.
competent to sit in either, 6, 2.
may freely interchange, 6, 2.
three necessary to transact business, 6, 2.
may act in chambers, 6, 2.
four, may order hearing in bank, 6, 2.
when concurrence of four necessary to judgment, 6, 2.
to select one to preside, 6, 2.
when to select Chief Justice *pro tempore*, 6, 2.
time and place of election, 6, 3.
term of office, 6, 3.
those first elected to classify themselves, 6, 3.
two to be elected every four years, 6, 3.
appointment by Governor in case of vacancy, 6, 3.
- Association**—no appropriations if not under State control, 4, 22.
cannot acquire rights, etc., by special legislation, 4, 25.
included in term corporations, 12, 4.
subject to assessment for income tax, 13, 11.
- Asylums**—not under State control, not entitled to appropriations, 4, 22.
- Attaches of Legislature**—compensation of, 4, 23.
- Attainder, bills of**—prohibited, 1, 16.
- Attorney-General**—subject to impeachment, 4, 18.
mode and time of election, 5, 17.
term of office, 5, 17.
compensation of, 5, 19.
- Ayes and noes**—on urgency for passage of bill, 4, 15.
to be taken on each bill separately, 4, 15.
when to be entered on journal, 4, 10.
on removal of Justices or Judges, to be entered on journal, 6, 10.
on proposed amendment to Constitution, 18, 1.
and to be entered on journal, 18, 1.
- Bail**—allowed on sufficient sureties, 1, 6.
except in capital offenses, etc., 1, 6.
excessive not to be required, 1, 6.
- Ballots**—all elections to be by ballot, 2, 5.
for election of new Constitution to be distributed, 22, 5.
- Basis**—of representation, 4, 6.
- Biennial**—sessions of Legislature, 4, 2.
- Bills**—limitation of time for introduction of, 4, 2.
how to be put on their passage, 4, 15.
when passed to be submitted to Governor, 4, 16.
power of Governor to sign or disapprove, 4, 16.
when to become a law, 4, 16.
passage over veto, 4, 16.
- Bills of attainder**—prohibited, 1, 16.
- Board of Canvassers**—on new Constitution, duty of, 22, 8.
- Boards of Education**—to adopt text-books, 9, 7.
to control examination of teachers, 9, 7.
and grant teachers' certificates, 9, 7.
restriction as to power to incur debt, 4, 18.
- Boards of Supervisors**—when to adopt text-books, 9, 7.
duty and authority as to teachers, 9, 7.

- Board of Equalization**—to be elected, Art. 13, § 9.
term of office and duties of, 13, 9.
Controller, a member *ex officio*, 13, 9.
authority of board, 13, 9.
Supervisors to constitute county boards, 13, 9.
- Bonds** of corporations—not to be issued except for money, labor, or property, 12, 11.
liable to taxation, 13, 1.
- Books** of corporations—what to be entered on, 12, 14.
railroad commissioners to prescribe form for accounts, 12, 22.
- Boundary of State**—21, 1.
- Breach of the peace**—no privilege from arrest, 4, 11.
- Bribery**—conviction for, disfranchises, 20, 11.
a disqualification for office, 20, 11.
compulsory testimony in cases of, 4, 35.
- Bridges**—special legislation prohibited, 4, 25.
- Business**—sex, not a disqualification, 20, 18.
- Butte Co.**—Salary of Judge of Superior Court, 6, 17.
- Canal companies**—see **RAILROADS**.
- Capital offenses**—when not bailable, 1, 6.
- Capital stock of corporations**—subject to legislative control, 4, 26.
to be entered on books, 12, 14.
- Capitation tax**—Legislature may provide for a poll tax, 13, 12.
or for income taxes, 13, 11.
- Cemeteries**—special legislation prohibited, 4, 25.
- Census**—the basis of adjustment of legislative districts, 4, 6.
- Certiorari**—jurisdiction of Supreme Court, 6, 4.
of Superior Court, 6, 5.
- Chambers**—Justice of Supreme Court may act in, 6, 2.
- Change of county seat**—to be by general laws alone, 4, 25.
- Change of names**—special legislation prohibited, 4, 25.
- Change of place of trial**—in libel cases, 1, 9.
in railroad cases, 12, 16.
- Change of venue**—special acts prohibited, 4, 25.
- Charter**—cannot be granted by special act, 4, 25.
for banking purposes prohibited, 12, 5.
but corporations may form under general laws, 12, 5.
invalid for want of organization under, 12, 6.
not to be extended, 12, 7.
business restricted to terms in, 12, 9.
- Charter of municipal corporation**—how obtained, 11, 8.
copy to be deposited with Secretary of State, 11, 8.
and a copy to be recorded, 11, 8.
judicial notice to be taken, 11, 8.
may be amended, 11, 8.
approval of three-fifths of voters necessary, 11, 8.
how presented to voters, 11, 8.
- Chief Justice**—subject to impeachment, 4, 17.
- Chief Magistrate**—styled Governor of California, 5, 1.
- Chinese**—excluded from right of suffrage, 2, 1.
Legislature to provide for protection against, 19, 1.

Chinese—Continued.

to impose conditions on their residence, Art. 19, § 1.
to provide for their removal, 19, 1.
corporations prohibited from employing, 19, 2.
municipal corporations prohibited from employing, 19, 3.
not to be employed on public works, 19, 3.
penalty to be prescribed for importing coolies, 19, 4.
their immigration to be discouraged, 19, 4.
power to be delegated to cities and towns, 19, 4.
provisions to prohibit their introduction, 19, 4.
and to provide for protection against evils of their presence, 19, 4.
Legislature to enforce constitutional provisions, 19, 4.

Citizens—rights of, 1, 9,
privileges and immunities of, 1, 21.
right of suffrage, 2, 1.
not to be deprived of life, liberty, etc., without due process of law, 1, 13.

Citizenship—lost, cannot be restored by special act, 4, 25.

City—may be divided into congressional districts, 4, 27.
officers to be governed by general laws only, 4, 25.
what appropriations prohibited, 4, 30.
mode of framing charter, 11, 8.
charter, to be published, 11, 8.
to be submitted to vote, 11, 8.
if ratified, to be submitted to Legislature, 11, 8.
If approved, it becomes the charter, 11, 8.

City and county—right to share in appropriations granting aid, 4, 22.
not to be divided in forming congressional district, 4, 27.
governments may be merged and consolidated, 11, 7.

City, county, or township—right to share in appropriations to institutions, 4, 22.
prohibited from aiding religious sect or creed, 4, 30.
prohibited from loaning or giving its credit, 4, 31.
a subdivision of State, 11, 1.
may organize under general laws, 11, 6.
compensation of officers of, 11, 9.
not to be released from share of taxes, 11, 10.
commutation of taxes prohibited, 11, 10.
may enforce local police and sanitary regulations, 11, 11.
restriction as to incurring indebtedness, 11, 18.
to regulate water rates, 14, 1.
penalty for neglect, 14, 1.
to be protected from alien paupers, etc., 19, 1.
to have power to remove the same, 19, 4.
provisions for prohibiting their introduction, 19, 4.

Civil actions—three-fourths of jury may decide, 1, 7.
jury may be waived, 1, 7.
imprisonment in, 1, 15.

Classification—of Justices of Supreme Court, 6, 3.
of senators at election of 1882, 4, 5.

Claims against State or local government—not to be allowed, 4, 32.

Clerk—of Supreme Court, Legislature to provide for election of, 6, 14.
County Clerk to be *ex-officio* clerk of courts of record, 6, 14.
of State Prison, appointment by board, 10, 3.
of county, duty on election for new Constitution, 22, 6.

Clerical officers—salary of, 5, 19.

Clerical services—limitation of compensation, 5, 19.

Collection of taxes—to be governed by general laws, 4, 25.

- College of Agriculture**—to be supported and maintained, Art. 9, § 9.
 fund for to be inviolate, 9, 9.
- Commander-in-Chief**—of militia, 5, 5.
- Commissioners**—to be elected or appointed, 20, 4.
- Commissions**—to be sealed and signed by Governor, 5, 14.
 to militia officer to be signed by Governor, 8, 1.
- Commitment**—for offenses, 1, 8.
- Common carriers**—railroads, canals, and transportation companies
 are, 12, 17.
 subject to legislative control, 12, 17.
 when not to combine to share earnings, 12, 20.
 rates lowered cannot be raised without consent of Government,
 12, 20.
 discriminating rates prohibited, 12, 21.
 charges at way stations, 12, 21.
 excursion and commutation tickets may be at special rates, 12, 21.
 See RAILROAD COMPANIES.
- Common schools**—not subject to local or special acts, 4, 25.
 system to include primary and grammar schools, 9, 6.
 funds to be applied exclusively thereto, 9, 6.
 no sectarian doctrine to be taught, 9, 8.
- Commutation of taxes** prohibited—11, 10.
- Commutation tickets**—may be issued by carriers, 11, 10.
- Compensation**—to be first made on taking property for public use, 1, 14.
 of members of Legislature, 4, 23.
 in case of adjournment, 4, 14.
 extra cannot be granted, 4, 32.
 of State officers not to be diminished or increased, 5, 19.
 to Justices and Judges, 6, 17.
 of Justices to be paid by State, 6, 17.
 half salary of Judges to be paid by State, 6, 17.
 and half by counties, 6, 17.
 of county, city, and town officers, 11, 9.
- Compulsory process**—accused entitled to procure witnesses, 1, 13.
 on failure of Supervisors to fix water rates, 14, 1.
- Concurrence necessary to judgment in Supreme Court**—6, 2.
- Condemnation to public use**—see EMINENT DOMAIN.
- Conditions imposed on foreign corporations**—12, 15.
- Confession in open court**—effect of, 1, 20.
- Congress**—legislative power vested in, 4, 1.
- Congressional Districts**—how formed, 4, 27.
 of contiguous Assembly Districts, 4, 27.
 Assembly District not to be divided, 4, 27.
- Consolidation of municipal governments**—to be under general
 laws, 11, 7.
 provisions applicable, 11, 7.
 two Boards of Supervisors to be elected, 11, 7.
- Constable**—local and special acts prohibited, 4, 25.
- Constitution**—the supreme law, 1, 3.
 provisions mandatory and prohibitory, 1, 22.
 mode of amending, 18, 1.
 mode of revision, 18, 2.
 when it takes effect, 22, 12.
 submission to vote of people, 22, 2.
- Contingent expenses**—of Legislature, 4, 23.

- Contracts**—obligations of not to be impaired, Art. 1, § 16.
existing not to be affected, 22, 1.
for sale of stocks on margin, void, 4, 26.
to pay tax on loan or its security, void, 13, 5.
for coolie labor, void, 19, 4.
of marriage, validity of, 20, 7.
- Controller**—subject to impeachment, 4, 18.
how chosen, 5, 17.
term of office, 5, 17.
compensation of, 5, 19.
a member *ex officio* of Board of Equalization, 13, 9.
- Convention** for revision—how and when formed, 18, 2.
of what to consist, 18, 2.
delegates, when to meet, 18, 2.
Constitution to be submitted to vote, 18, 2.
return and proceedings thereon, 18, 2.
executive to declare result, 18, 2.
majority required to ratify, 18, 2.
proclamation of Governor, 18, 2.
- Conviction**—for offering bribe for election disqualifies for office, 20, 10.
for bribery and forgery disfranchises, 20, 11.
so for malfeasance in office and for other high crimes, 20, 11.
by Senate, two-thirds concurrence necessary, 4, 17.
for lobbying, disfranchises, 4, 35.
- Convict labor**—to be regulated by Legislature, 10, 6.
excluded from right to office or jury service, 4, 21.
not to be let out by contract, 10, 6.
- Convicts**—deprived of right to vote, 2, 1.
cannot be restored to citizenship by special act, 4, 25.
- Coolie labor**—contracts for, void, 19, 4.
- Corporations**—conditions precedent to appropriation of right of way,
1, 14.
when not to receive State appropriations, 4, 22.
cannot acquire rights by special legislation, 4, 25.
liability of cannot be released by special act, 4, 25.
sale of stock to be controlled by Legislature, 4, 26.
State cannot subscribe for stock of, 4, 31.
cannot select persons to regulate charges for services and materials furnished, 4, 33.
to be formed under general laws, 12, 1.
laws creating may be altered or repealed, 12, 1.
due to be secured by individual liability, 12, 2.
stockholder's liability, 12, 3.
term includes associations and joint stock companies, 12, 4.
may sue and be sued, 12, 4.
for banking purposes prohibited, 12, 5.
cannot circulate any but lawful money of United States, 12, 5.
certain existing charters and franchises avoided, 12, 6.
existing charters not to be extended, 12, 7.
nor can their forfeiture be remitted, 12, 7.
not to injure rights of individuals or welfare of State, 12, 8.
to be subject to right of eminent domain, 12, 8.
police power over, not to be abridged, 12, 8.
limited to business authorized in charter, 12, 9.
restriction on tenure of real estate, 12, 9.
not relieved from liability by lease or alienation, 12, 10.
indebtedness not to be increased under special act, 12, 11.
restriction on issue of stock or bonds, 12, 11.
notice required on increase of stock, 12, 11.
voting at elections by stockholders, 12, 12.

Corporations—Continued.

cumulative vote allowed, Art. 12, § 12.
 or distributive vote, 12, 12.
 exception as to co-operative societies, 12, 12.
 State not to give or loan its credit to, 12, 12.
 nor to subscribe to stock of, 12, 12.
 to have office within State, 12, 14.
 religious and benevolent societies excepted, 12, 14.
 books, etc., to be open to inspection, 12, 14.
 to contain certain entries, 12, 14.
 foreign corporations not to be favored, 12, 15.
 where may be sued, 12, 16.
 place of trial may be changed, 12, 16.
 may be assessed for income tax, 13, 11.
 prohibited from employing Chinese, 19, 2.
 penalty to be provided for introduction of coolie labor, 19, 4.

See **RAILROAD COMPANIES, TRANSPORTATION COMPANIES.**

Corrupting legislators—a felony, 4, 35.

compulsory testimony in cases of, 4, 35.

County—right to share in appropriations, 4, 22.

place of voting on organization of, 4, 25.
 not to be divided in forming Congressional District, 4, 27.
 what appropriations by prohibited, 4, 30.
 prohibited from loaning or giving its credit, 4, 31.
 liability for debts on enlargement of proportions of, 11, 3.
 organization under townships, 11, 4.
 Legislature to establish a system of government, 11, 4.
 property of exempt from taxation, 13, 1.

County Clerks—*ex officio* clerks of courts of record, 6, 14.

duties as to new Constitution, 22, 6.

County governments—as existing, recognized, 11, 1.**County officers—to be regulated by general laws, 4, 25.**

to pay county moneys into treasury, 11, 16.
 making profit thereon, or using the same, a felony, 11, 16.
 duties as to return of votes on new Constitution, 2, 23.

County seats—cannot be changed by special legislation, 4, 25.

proceedings for removal of, 11, 2.
 two-thirds vote required, 11, 2.
 proposition can be made but once in four years, 11, 2.

**County superintendents—election and qualification of, 9, 3.
 when to adopt text books, 9, 7.****County and township—business to be governed by general laws, 4, 25.****Court commissioners—Legislature may provide for appointment of, 6, 14.**

and authorize to act at chambers, 6, 14.
 to take depositions, etc., 6, 14.

Court of impeachment—6, 1.**Courts—practice to be governed by general laws, 4, 25.**

inferior, Legislature may establish, 6, 1.
 except Justices of the Peace and Police Courts abolished, 22, 3.
 records, books, etc., to be transferred to new courts, 22, 3.
 power and jurisdiction of new courts, 22, 3.

**Credit of State—local and special legislation prohibited, 4, 25.
 or of local government, 4, 31.
 not to be given or loaned, 12, 13.**

- Crime**—offenses, how prosecuted, Art. 1, § 8.
impeachment of civil officers, 4, 18.
right of trial by jury, 1, 7.
rights of party accused, 1, 13.
deprivation of right of suffrage on conviction for, 2, 1.
laws to be made to exclude from office, juries, etc., persons convicted, 20, 11.
existing prosecutions for not affected, 22, 2.
- Criminal cases**—appellate jurisdiction of Supreme Court, 6, 4.
original jurisdiction of Superior Court, 6, 5.
- Cruel and unusual punishments**—prohibited, 1, 6.
- Cumulative vote**—may be cast by stockholder, 12, 12.
- Damage**—not to be done for public use without compensation, 1, 14.
- Debts**—to be deducted from credits in assessments, unless due to foreign creditor, 13, 1.
See **STATE INDEBTEDNESS**.
- Debts of State**—limitation to creation of, 16, 1.
- Declaration of rights**—1, 1.
- Deeds**—cannot be validated by special legislation, 4, 25.
- Defalcation**—In office a disqualification, 4, 21.
- Delegates**—to Convention for revision of Constitution, 18, 2.
Legislature may provide for payment of, 20, 19.
- Denominational schools**—to receive no public money, 9, 8.
- Departments**—of Government, 3, 1.
of Supreme Court, 6, 2.
each empowered to hear and determine, 6, 2.
three Justices necessary to transact business, 6, 2.
their concurrence necessary to judgment, 6, 2.
judgment not final till expiration of thirty days, 6, 2.
- Depositions**—Legislature to provide for taking, 1, 13.
- Descent**—special legislation prohibited, 4, 25.
- Directors of corporations**—mode of election of, 12, 12.
right of stockholders to cumulate votes, 12, 12.
jointly and severally liable for embezzlement of employees, 12, 3.
- Disability**—for office on conviction for embezzlement or defalcation, 4, 21.
by dueling, 20, 2.
laws to be passed to exclude convicted persons from office, juries, etc., 20, 11.
- Disapproval of bills**—by Governor, 4, 16.
- Disfranchisement**—of legislator for accepting reward or bribe, 4, 35.
for dueling, 20, 2.
- Disqualification**—for office by embezzlement and defalcation, 4, 21.
by offering bribe to voters, 20, 10.
sex, as to business pursuits not to create, 20, 18.
- Distribution of powers**—of Government, 3, 1.
- District attorneys**—Legislature to provide for election of, 1, 5.
- Divorces**—special legislation prohibited, 4, 25.
- Dueling**—disfranchisement for, 20, 2.
- Dues**—from corporation to be secured by law, 12, 2.
individual liability of stockholders, 12, 3.
liability of trustees, 12, 3.
liability to taxation, 13, 1.

- Due process of law**—no one to be deprived of life, liberty, or property without, Art. I, § 13.
- Duties of departments**—to be distinct, 3, 1.
- Education**—diffusion of knowledge to be encouraged, 9, 1.
See COMMON SCHOOLS, UNIVERSITY.
- Eleemosynary institutions alone can enjoy perpetuities**—20, 9.
- Elections**—who may vote at, 2, 1.
who not entitled to vote, 2, 1.
privilege from arrest on days of, 2, 2.
exemption from militia duty, 2, 3.
residence, how lost, 2, 4.
to be by ballot, 2, 5.
each House to judge of election and return of its members, 4, 7.
to be conducted under general laws, 4, 25.
by Legislature to be *viva voce*, 4, 28.
of Governor, when and how, 5, 2.
of Lieutenant-Governor, 5, 15.
of Justices of Supreme Court, 6, 3.
of directors and trustees of corporations, 12, 12.
cumulative vote by stockholders, 12, 12.
or distributive vote, 12, 12.
manner of voting of co-operative societies, 12, 12.
plurality vote constitutes a choice, 20, 13.
for State officers, what years to be held, 20, 20.
time and manner of elections of judicial and school officers, 22, 10.
- Election officers**—to be governed by general laws only, 4, 25.
- Elector**—property qualification not to be required, 1, 24.
who disqualified to vote, 2, 1.
privilege from arrest, 2, 2.
from militia duty, 2, 3.
residence, how not lost, 2, 4.
- Eligibility for office**—destroyed by embezzlement and defalcation, 4, 21.
- Embezzlement**—directors and trustees liable for, 12, 3.
in office deprives of right to vote, 2, 1.
a disqualification for office, 4, 21.
a felony, 4, 21.
- Eminent domain**—compensation to be first secured in taking property for public use, 1, 14.
or in damaging property, 1, 14.
corporations subject to right of, 12, 8.
right of not to be abridged on grants of corporate franchise, 12, 8.
franchises subject to right of, 12, 8.
right extends to all frontages on navigable waters, 15, 1.
- Enacting clause**—of statutes, 4, 1.
- English**—the sole language for publication of public writings, etc., 4, 24.
- Enjoyment of property**—rights of foreigners, 1, 17.
- Enumeration of rights**—not to affect others reserved, 1, 23.
- Equity**—appellate jurisdiction of Supreme Court, 6, 4.
original jurisdiction in Superior Court, 6, 5.
- Estates of deceased**—local and special acts prohibited, 4, 25.
- Evidence**—in cases of libel, 1, 9.
what necessary to convict of treason, 1, 20.
- Examination of teachers**—under control of local boards, 9, 7.
- Excessive bail or fines**—cannot be required nor imposed, 1, 6.

- Exclusive rights**—cannot be granted by special statute, Art. 4, § 25.
Excursion and commutation tickets—may be at special rates, 12, 21.
Executive—a department of Government, 3, 1.
 power vested in a Governor, 5, 1.
 Secretary of State to keep records of, 5, 18.
 duty of on return of election on revision of Constitution, 18, 2.
 See GOVERNOR.
Exemplary damages—on extortion in charge of fares and freights, 12, 22.
Exemptions—from taxation, special acts prohibited, 4, 25.
 of homestead from forced sale, 17, 1.
Expenditures—to be published with the laws, 4, 22.
Expenses of Constitutional Convention—provision for, 20, 19.
Ex post facto laws—prohibited, 1, 16.
Expulsion of member—power of Legislature, 4, 9.
Extension of time for collection of tax—special acts prohibited, 4, 25.
Extinguishment of debt or liability—special acts prohibited, 4, 25.
Extortion—in fares and freights, penalty for, 12, 22.
Extra compensation to public officers prohibited—4, 32.
Extra sessions of Legislature—how convened, 4, 2.
Fares and freights—power to regulate in Government, 12, 20.
 when lowered cannot be raised without its consent, 12, 20.
 to be regulated by a commission, 12, 22.
 to be published from time to time; 12, 22.
 See RAILROAD COMMISSION.
Federal officer—not eligible to State civil office, 4, 20.
 not eligible to office of Governor, 5, 12.
Fees and perquisites of office abolished—5, 19.
 prohibited to judicial officers, 6, 15.
 exception, Justices of Peace and Court Commissioners, 6, 15.
Fees and salaries—local and special legislation prohibited, 4, 25.
Felony—lobbying declared to be, 4, 35.
 public officers using or making profit out of public moneys, 11, 16.
 legislator influenced by promise of reward, 4, 35.
Ferries—cannot be chartered or licensed by special acts, 4, 25.
Fictitious increase of stock issue—void, 12, 11.
Fines—excessive not to be imposed, 1, 6.
 cannot be remitted by special legislation, 4, 25.
 imposed for excessive charge for fares and freights, 12, 22.
 already due not affected by adoption of new Constitution, 22, 2.
Fiscal year—to commence on 1st of July, 20, 5.
Flags—authorized to be carried by militia, 8, 2.
Forcible entry and detainer—appellate jurisdiction in cases of, 6, 4.
 original jurisdiction, 6, 5.
Foreigners—rights of enjoyment of property, 1, 17.
Foreign corporation—not to be favored, 12, 15.
Forfeiture—cannot be remitted by special acts, 4, 25.
 of franchise by water companies, 14, 1.
 of office for taking free passes on railroads, 12, 18.
 of railroad franchise, Legislature may provide for, 12, 22.

- Forgery**—conviction for, a disfranchisement, Art. 20, § 11.
- Form**—of oath of office, 20, 3.
- Franchise**—exclusive privileges, special legislation prohibited, 4, 25.
those not fully organized and in business invalid, 12, 6.
not to be extended, 12, 7.
subject to right of eminent domain, 12, 8.
lease or alienation not to relieve from liability, 12, 10.
as property liable to taxation, 13, 1.
power of taxation not to be surrendered in grant of, 13, 6.
Legislature may provide for forfeiture of, 12, 22.
assessment of for taxes, 13, 10.
water rights, when forfeited, 14, 1.
right to collect compensation for water supply a franchise, 14, 2.
- Free and independent**—all men are, 1, 1.
- Free passes**—on railroads, prohibitions as to, 12, 19.
- Free schools**—to be kept up in each district, 9, 5.
for six months in the year at least, 9, 5.
- Free suffrage**—privilege to be protected by law, 20, 11.
- Freedom of speech and of the press**—to be preserved, 1, 9.
- Frontages on navigable waters**—power of State over, 15, 1-3.
- Gas and water**—right of cities to regulate charges, 11, 19.
- Gas corporations**—legislation to regulate charges, 4, 33.
- General appropriation bill**—restrictions as to, 4, 29.
- Gift enterprises**—prohibited, 4, 26.
- Government**—purpose of institution of, 1, 2.
right to alter or reform, 1, 2.
powers, how distributed, 3, 1.
- Governor**—may convene Legislature by proclamation, 4, 2.
to issue writs of election to fill vacancy in Legislature, 4, 12.
to approve all laws, 4, 16.
may veto separate items in appropriation bill, 4, 16.
duty on return of bill with objections, 4, 16.
subject to impeachment, 4, 18.
supreme executive power vested in, 5, 1.
when and how elected, 5, 2.
term of office, 5, 2.
eligibility to office, 5, 3.
return of election of, 5, 4.
when Legislature to elect, 5, 4.
Commander in Chief of militia, 5, 5.
to transact all executive business, 5, 6.
may require information from officers, 5, 6.
to see that laws are executed, 5, 7.
when to fill vacancy in office, 5, 8.
when may convene Legislature by proclamation, 5, 9.
to communicate to Legislature at every session, 5, 10.
to adjourn Legislature in certain contingencies, 5, 11.
who ineligible to office of, 5, 12.
to keep Seal of State, 5, 13.
to seal and sign public grants and commissions, 5, 14.
who to act in case of impeachment, 5, 16.
absence not to affect right as Commander-in-Chief, 5, 16.
compensation of, 5, 19.
incapacity for U. S. Senator during term of office, 5, 20.
to fill vacancy in Justices of Supreme Court, 6, 3.
term of appointee, 6, 3.

Governor—Continued.

to grant reprieves, pardons, etc., Art. 7, § 1.
duty in cases of treason, 7, 1.
to communicate such grants to Legislature, 7, 1.
restriction on pardoning power, 7, 1.
to commission officers of militia, 8, 1.
may call out militia to execute laws, 8, 1.
to appoint Board of Prison Directors, 10, 1.
when may remove them, 10, 1.
to fill vacancy in Railroad Commission, 12, 22.
to give notice of election for adoption of new Constitution, 22, 4.
duty on return of vote thereon, 22, 9.

Grand jury—to be drawn at least once a year, 1, 8.
local and special legislation prohibited, 4, 23.

Grants—prohibited to institutions not under State control, 4, 22.
of rights and privileges, special acts prohibited, 4, 25.
to be sealed and signed by Governor, 5, 14.
existing grants, when invalid, 12, 6.
not to be extended, 12, 7.

Graveyards—special legislation prohibited, 4, 25.

Growing crops—exempted from taxation, 13, 1.

Habeas corpus—privilege of writ not to be suspended except, 1, 5.
Justice may issue, returnable in his discretion, 6, 4.
Judges of Superior Court may issue, 6, 5.

Harbor—frontages on navigable waters, power of State over, 15, 1.
subject to right of eminent domain, 15, 1.
obstructions to navigation prohibited, 15, 2.
frontages withheld from grant or sale, 15, 3.

Health—Legislature to provide for a State Board of Health, 20, 14.

High crimes—Impeachment for, 4, 18.
conviction for, a disfranchisement, 20, 11.

High schools—may be established by Legislature, 9, 6.

Highways—local and special legislation prohibited, 4, 25.

Homestead—exemption from forced sale, 17, 1.

Hospitals—not under State control, appropriations prohibited, 4, 22.

Husband and wife—separate property to each secured, 20, 8.

Hypothecation by minor—special legislation prohibited, 4, 25.

Inalienable rights—1, 1.

Immigration of Chinese to be discouraged—19, 4.

Immunities—of citizens, 1, 21.

to corporations, special legislation prohibited, 4, 25.

soldiers not to be quartered on citizens, 1, 12.

from being twice put in jeopardy, 1, 13.

from loss or damage to property, 1, 14.

from imprisonment for debt, 1, 15.

of members of Legislature from arrest, 4, 11.

Impanneling juries—special and local acts prohibited, 4, 25.

grand jury to be drawn at least once a year, 1, 8.

Impeachment—Assembly sole power of, 4, 17.

trial by Senate, 4, 17.

State officers subject to, 4, 18.

Imposts—appellate jurisdiction of Supreme Court, 6, 4.

original jurisdiction of Superior Court, 6, 5.

- Imprisonment—for debt not allowed, except, Art. 1, § 15.
of railroad official for excessive charges, 12, 22.
- Income taxes—Legislature may provide for, 13, 11.
- Increase in per diem and mileage of legislators prohibited—4, 23.
- Indebtedness of corporations—special acts for relief prohibited, 4, 23.
of municipal corporations, provisions for payment of, 11, 18.
when void, 11, 18.
of State, restriction on power of Legislature, 16, 1.
- Indictment—offenses may be prosecuted by, 1, 8.
for libel, where to be tried, 1, 9.
pending, unaffected by adoption of new Constitution, 22, 2.
- Inferior courts—may be established by legislation, 6, 1.
jurisdiction to be fixed by law, 6, 13.
powers, duties, and responsibilities, 6, 13.
- Information—offenses may be prosecuted by, 1, 8.
for libel, where to be tried, 1, 9.
pending, unaffected by adoption of new Constitution, 22, 2.
- Inheritance—rights of foreigners, 1, 17.
- Injunction—may be served on holidays and non-judicial days, 6, 5.
- Insolvency—appellate jurisdiction in Supreme Court, 6, 4.
original jurisdiction in Superior Courts, 6, 5.
- Inspection officers—to be appointed by municipalities, 11, 14.
- Intellectual improvement—to be encouraged, 9, 1.
- Institutions not under State control—appropriations prohibited, 4, 22.
- Instruments—cannot be validated by special acts, 4, 25.
- Interest—to be regulated by general laws only, 4, 25.
on State debt, provision to be made for, 16, 1.
- Invasion—suspension of writ of *habeas corpus*, 1, 5.
- Involuntary servitude—prohibited, 1, 18.
- Jeopardy—no person to be twice put in, 1, 13.
- Joint stock companies—included in term corporation, 12, 4.
- Journal—each House to keep, 4, 10.
votes on elections to be entered on, 4, 28.
ayes and noes on removal of Justices, etc., to be entered, 6, 10.
on proposed amendments to be entered, 18, 1.
- Judges—of Superior Court subject to impeachment, 4, 18.
prohibited from practicing law, 6, 22.
may apportion business among themselves, 6, 7.
compensation of, 6, 17.
ineligible to other office during term, 6, 18.
not to charge juries as to matters of fact, 6, 19.
who ineligible to office of, 6, 23.
affidavit on drawing salary, 6, 24.
- Judgment—on impeachment, extent of, 4, 18.
not to bar trial according to law, 4, 18.
concurrence of Supreme Justices necessary, 6, 2.
vacated by order for rehearing in bank, 6, 2.
when final, 6, 2.
concurrence of four Justices, when necessary, 6, 2.
all decisions to be in writing, 6, 2.
- Judicial—a department of Government, 3, 1.
power, where vested, 6, 1.
- Judicial decisions—publication of, 6, 16.

INDEX CAL. CONST. 1879.

1

- Judicial notice—to be taken of corporation charters, Art. 11, § 8.
Judicial officer—absence, when a forfeiture of office, 6, 9.
when elected, 22, 10.
Judicial power—where vested, 6, 1.
Judicial proceedings—to be published in English only, 4, 24.
Jurisdiction—of inferior courts, local and special acts prohibited, 4,
of Supreme Court, 6, 4.
of Superior Court, 6, 5.
of Justices' Courts, 6, 11.
of courts under new Constitution in cases transferred, 22, 3.
Juries—local and special legislation prohibited, 4, 25.
not to be charged as to matters of fact, 6, 19.
Juror—no religious restriction, 1, 4.
exclusion, for bribery, forgery, etc., 20, 11.
Jury—in civil cases and misdemeanors number may be agreed on, 1,
right of trial by, secured, 1, 7.
trial by, may be waived by consent, 1, 7.
three-fourths may render verdict, 1, 7.
to determine law and fact in libel cases, 1, 9.
to ascertain compensation on condemnation, 1, 14.
in libel cases, to judge of law and fact, 1, 9.
not to be charged as to matters of facts, 6, 19.
Justices of the Peace—local and special legislation prohibited, 4,
invested with judicial powers, 6, 1.
number to be fixed by Legislature, 6, 11.
concurrent jurisdiction in forcible entry and detainer, 6, 11.
and in foreclosure of items in certain cases, 6, 11.
courts not abolished by new Constitution, 22, 3.
Justices of Supreme Court—powers and duties of, 6, 2.
election of, 6, 3.
authority to issue writs, 6, 4.
removal from office, 6, 10.
compensation of, 6, 17.
ineligible to other office during term, 6, 18.
to appoint reporter, 6, 21.
not to practice law, 6, 22.
who not eligible to office of, 6, 23.
affidavit to be taken on drawing salary, 6, 24.
Justices and Judges—may be removed by concurrent resolution, 6,
causes of removal to be entered on journal, 6, 10.
ayes and noes to be entered, 6, 10.
ineligible to other office, 6, 18.
who eligible to office of, 6, 23.
not to draw salary, unless, etc., 6, 24.
Labor—liens secured on property, 20, 15.
eight hours to constitute a day's work on public works, 20, 17.
Land and homestead exemption—17, 1.
Land monopoly to be discouraged—17, 2.
Lands—to be assessed separate from improvements, 13, 2.
of same quality and similarly situated to be assessed at same
value, 13, 2.
sectionalized, how assessed, 13, 3.
not sectionalized, Legislature to provide for, 13, 3.
fronting on harbor, estuary, bay, etc., withheld from sale, 15, 3.
holding large tracts uncultivated is against public policy, 17, 2.
belonging to State to be granted to actual settlers only, 17, 3.

Language—laws, official writings, etc., to be preserved and published in English only, Art. 4, § 24.

Laws—to have uniform operation, 1, 11.
 bill of attainder and *ex post facto* laws prohibited, 1, 16.
 or law impairing obligations of contract, 1, 16.
 enacting clause, 4, 1.
 to be passed by bill only, 4, 15.
 a majority of members necessary to pass, 4, 15.
 must be presented to Governor for approval, 4, 16.
 how passed over Governor's veto, 4, 16.
 how become laws without approval, 4, 16.
 to embrace but one object, etc., 4, 24.
 how revised and amended, 4, 24.
 to be published in English only, 4, 24.
 local and special acts on enumerated subjects prohibited, 4, 25.
 existing, not inconsistent with Constitution to remain in force, 22, 1.
 relating to judicial system in force till changed by Legislature, 22, 1.

Lease of franchise—not to relieve from liability, 12, 10.

Legitimation of children—special legislation prohibited, 4, 25.

Legislature—to provide for taking depositions, 1, 13.
 power to revoke special privileges and immunities, 1, 21.
 a department of Government, 3, 1.
 of what composed, 4, 1.
 power vested in Senate and Assembly, 4, 1.
 sessions to be biennial, 4, 2.
 members, when and how elected, 4, 3.
 term of office, 4, 4.
 number of Senators and of Representatives, 4, 5.
 Senatorial and Assembly districts, 4, 6.
 each House to choose its officers, 4, 7.
 and judge of election of its members, 4, 7.
 majority to constitute a quorum, 4, 8.
 each House to determine rules of proceedings, 4, 9.
 two-thirds required to expel a member, 4, 9.
 to keep and publish a journal, 4, 10.
 members to be privileged from arrest, 4, 11.
 vacancies, how filled, 4, 12.
 sessions to be open, 4, 13.
 adjournments, restriction on powers, 4, 14.
 members, from what offices excluded, 4, 19.
 what officers not eligible to membership, 4, 20.
 to provide punishment of embezzlement and defalcation, 4, 21.
 to what institutions aid may be granted, 4, 22.
 moneys, how drawn from treasury, 4, 22.
 per diem and mileage to members, 4, 23.
 proceedings to be published in English only, 4, 24.
 local or special laws not to be passed, 4, 25.
 no power to authorize lotteries or gift enterprises, 4, 26.
 vote on elections to be *viva voce*, 4, 28.
 general appropriation bill, what to contain, 4, 29.
 appropriations, not to be made for sectarian purposes, 4, 30.
 credit of State or subdivisions of State not to be given or lent, 4, 31.
 extra compensation for past services prohibited, 4, 32.
 to regulate telegraph and gas companies, 4, 33.
 to regulate storage and wharfage charges, 4, 33.
 special appropriation bills, what to contain, 4, 34.
 lobbying prohibited, declared a felony, 4, 35.
 may be specially convened by Governor, 5, 9.
 adjournment by Governor, 5, 11.
 Secretary of State to keep records of, 5, 12.

Legislature—Continued.

- may abolish office of Surveyor-General, Art. 5, § 19.
power to fix compensation of State officers, 5, 19.
may establish inferior courts, 6, 1.
cannot grant leave of absence to judicial officer, 6, 9.
may increase or diminish number of Judges, 6, 9.
may remove Justice or Judge, 6, 10.
two-thirds vote required, 6, 10.
to determine number of Justices of the Peace, 6, 11.
may prescribe other courts as courts of record, 6, 12.
may fix jurisdiction of inferior courts, 6, 13.
to provide for election of Supreme Court Clerk, 6, 14.
and fix duties and compensation, 6, 14.
may provide for appointment of Court Commissioners, 6, 14.
to provide for publishing opinions of Supreme Court, 6, 16.
power to pardon for treason, 7, 1.
restriction on power, 7, 1.
to provide for organization and disciplining militia, 8, 1.
to encourage diffusion of knowledge and intelligence, 9, 1.
may authorize counties to unite in election of school superintendent, 9, 3.
to provide system of common schools, 9, 5.
may establish high schools, normal schools, etc., 9, 6.
to classify Board of Prison Directors, 10, 1.
and prescribe their duties, 10, 2.
to direct auditing expenses of board, 10, 4.
to pass laws regulating their powers, 10, 5.
to provide for convict labor, 10, 6.
to establish system of county governments, 11, 4.
to provide for election of county officers under general laws, 11, 5.
and township and municipal officers, 11, 5.
to prescribe their duties and term of office, 11, 5.
and for their strict accountability, 11, 5.
cannot delegate power to commissions, corporations, etc., 11, 13.
may enforce forfeiture of charter for excessive charges of fares and freights, 12, 23.
to pass laws to enforce provisions concerning corporations, 12, 24.
may provide for deduction of debts on assessment, 13, 1.
to provide for assessment of lands in small tracts, 13, 3.
to fix penalty for failure to fix water rates, 14, 1.
to regulate sale and rent of water, 14, 1.
to provide against obstruction to navigation, 15, 2.
restriction on power to create debt, 16, 1.
to provide for institution of State Board of Health, 20, 14.
to provide for enforcement of lien of mechanics, etc., 20, 15.
members to take and subscribe oath, 20, 3.
- Liabilities**—cannot be released by special statute, 4, 25.
of franchise, not relieved by lease or alienation, 12, 10.
- Libel**—criminal prosecutions for, 1, 9.
places of trial, 1, 9.
evidence in cases of, 1, 9.
jury to judge of law and fact, 1, 9.
- Liberty of conscience secured**—1, 4.
licentiousness not excused, 1, 4.
- Liberty and property**—protection of, 1, 13.
- License**—cannot be granted by special legislation, 4, 25.
- Liens**—cannot be created by special legislation, 4, 25.
on property, created by taxation, 13, 4.
- Lieutenant-Governor**—liable to impeachment, 4, 18.
when and how to be elected, 5, 15.

- Lieutenant-Governor**—*Continued.*
 term of office, Art. 5, § 15.
 to be President of the Senate, 5, 15.
 disqualification for other office, 5, 15.
 when to act as Governor, 5, 16.
 compensation of, 5, 19.
- Life, liberty, and property**—inalienable rights, 1, 1.
 not to be deprived of without due process of law, 1, 13.
- Limitation of actions**—special legislation prohibited, 4, 25.
- Lobbying**—a felony, 4, 35.
 what constitutes, 4, 35.
- Local legislation**—on certain matters, prohibited, 4, 25.
 in all cases where general laws may be made applicable, 4, 25.
- Lotteries**—prohibited, 4, 26.
- Majority**—special statute cannot declare person of age, 4, 25.
 of Legislature to constitute a quorum, 4, 8.
 necessary to pass a bill, 4, 15.
- Malfeasance in office**—conviction for, a disfranchisement, 20, 11.
- Mandamus**—Supreme Court may issue, 6, 4.
 original jurisdiction in Superior Court, 6, 5.
- Mandatory**—character of provisions in new Constitution, 1, 22.
- Marriage**—conformity to religious forms not required, 20, 7.
 separate property of husband and wife, 20, 8.
- Material-men**—secured by lien on property, 20, 15.
- Mechanics**—secured by lien on property, 20, 15.
 Legislature to provide for enforcement of, 20, 15.
- Members of Assembly**—when and how elected, 4, 3.
 qualifications of, 4, 4.
 to be privileged from arrest, 4, 11.
 per diem and mileage of, 4, 23.
 Influenced by promise of reward and guilty of felony, 4, 35.
 not to receive free pass on railroad, 12, 19.
 to take and subscribe oath, 20, 3.
- Mileage**—of members of Legislature, 4, 23.
- Military**—subordinate to civil power, 1, 12.
 standing army not to be kept in time of peace, 1, 12.
 See **MILITIA**.
- Militia**—no imprisonment for fines, 1, 15.
 organization and discipline of, 8, 1.
 restriction as to carrying banners or flags, 8, 2.
 officer, when not eligible to civil office, 4, 20.
 Governor to be Commander in Chief, 5, 5.
 to sign and seal commissions, 5, 14.
- Minors**—cannot be affected by special statute, 4, 25.
- Miscellaneous subjects**—20, 1.
- Misdemeanor**—in office, provisions to be made for punishment of, 4, 18.
 local and special legislation prohibited, 4, 25.
- Money**—how and when drawn from Treasury, 4, 22.
 in Treasury cannot be refunded under special act, 4, 25.
 paid on stock bought on margin recoverable back, 4, 28.
 in hands of municipal officers to be paid into Treasury, 11, 16.
 officers using or making profit guilty of a felony, 11, 17.

Money—Continued.

corporation can issue nothing but lawful money of U. S., Art. 12,
§ 5.

liable to taxation, 13, 1.

Mongolians—See CHINESE.

Municipal corporation—prohibited from aiding sect or creed, 4, 30.

prohibited from loaning or giving its credit, 4, 31.

shall not be created by special acts, 11, 6.

to be organized and classified by general laws, 11, 6.

and subject to control of general laws, 11, 6.

charter of city, how obtained, 11, 8.

not to be relieved from proper share of taxes, 11, 10.

power to assess and levy taxes, 11, 12.

authority as to improvements, 11, 13.

authority to appoint inspection officers, 11, 14.

private property not to be taken for debts of, 11, 15.

moneys to be deposited with treasurer, 11, 16.

use of same by official a felony, 11, 17.

property of, exempt from taxation, 13, 1.

prohibited from employing Chinese, 19, 3.

Municipal fine—appellate jurisdiction of Supreme Court, 6, 4.

original jurisdiction of Superior Court, 6, 5.

Names—change of, special legislation prohibited, 4, 25.

Navigation—freedom of to be secured, 15, 2.

Nevada—salary of Superior Court Judge, 6, 17.

New county—restrictions on formation of, 11, 3.

Normal school—may be established by Legislature, 9, 6.

Nuisances—appellate jurisdiction of Supreme Court, 6, 4.

original jurisdiction of Superior Court, 6, 5.

Oath or affidavit—to sustain issue of warrants, 1, 19.

of Senators on trial by impeachment, 4, 17.

to be taken by Justices and Judges on drawing salary, 6, 24.

Oath of office—member of Legislature to take, 20, 3.

form of oath of office, 20, 3.

executive and judicial officers to take, 20, 3.

Obligations—of contract not to be impaired, 1, 16.

existing, unaffected by adoption of new Constitution, 22, 2.

Offenses—to be prosecuted by indictment or information, 1, 8.

no person to be put twice in jeopardy, 1, 3.

right of trial by jury secured, 1, 7.

impeachment of officer for, 4, 18.

Office—property qualification not necessary, 1, 24.

disqualification in certain cases, 4, 19.

who ineligible for, 4, 20.

embezzlement and defalcation to disqualify for, 4, 21.

cannot be created by special legislation, 4, 25.

vacancy, when filled by Governor, 5, 8.

oath of, 20, 3.

disqualification for giving or offering bribe, 20, 10.

exclusion from for bribery, forgery, etc., 20, 11.

term of, when not herein declared, 20, 16.

terms of, when to commence, 20, 20.

hereafter created to be subject to legislative direction, 20, 4.

Office of corporation—to be maintained in State, 12, 14.

- Officer**—fees and salaries, special legislation prohibited, Art. 4, § 25.
 not to be allowed extra compensation, 4, ~~xx~~.
 of departments to furnish information to Government, 5, 6.
 who impeachable, 4, 18.
 of militia elected and appointed pursuant to law, 8, 1.
 to be commissioned by Governor, 8, 1.
 of city, county, or town, term of office and compensation, 11, 9.
 of State, acceptance of free passes a forfeiture of office, 12, 19.
 of corporation, fined and imprisoned for extortion, 12, 22.
 executive and judicial, to take oath of office, 20, 3.
 for offices hereafter created to be elected or appointed, 20, 4.
 when to hold office at pleasure of appointing power, 20, 16.
 term not to exceed four years, 20, 16.
 term of, when to commence, 20, 20.
 term at first election, 22, 10.
- Official acts**—cannot be validated by special acts, 4, 25.
- Official oath**—20, 3.
- Opinions of Supreme Court**—to be published, 6, 16.
 free for publication by any one, 6, 16.
- Organization of Supreme Court**—6, 2.
 of Superior Court, 6, 6.
- Original jurisdiction of Superior Court**—6, 5.
- Orphans**—State may provide for support of, 4, 22.
- Pardonning power**—in Legislature, authority of Governor, 7, 1.
- Parks**—special legislation prohibited, 4, 25.
- Payment of tax by installments**—13, 7.
- Peace and safety to be secured**—1, 4.
- Penalties**—cannot be remitted by special legislation, 4, 25.
- People**—political power inherent in, 1, 2.
 right of free assemblage and petition, 1, 10.
 right of security from searches and seizures, 1, 19.
 rights not impaired by enumeration in Constitution, 1, 23.
 style of process in name of, 6, 20.
- Per diem**—of legislators, 4, 23.
 of Lieutenant Governor, 5, 19.
 of delegates, Legislature may provide for, 20, 19.
- Perjury**—disqualification on conviction for, 4, 19.
- Perpetuities**—prohibited, except for certain purposes, 20, 9.
- Petition**—right of secured, 1, 10.
- Place of trial**—in libel cases, 1, 9.
 may be changed, 1, 9.
 in suits affecting corporations, 12, 16.
- Places of voting**—to be fixed by general laws except, 4, 25.
- Plurality vote**—constitutes a choice, 20, 13.
- Police Courts**—not abolished by new Constitution, 22, 3.
- Police Judges**—local and special legislation prohibited, 4, 25.
- Police regulations**—county, city, or town may enforce, 11, 11.
- Political corporation**—prohibited to give or lend credit, 4, 31.
- Political subdivision**—not to subscribe to corporation stock 4, 31.
- Political powers**—inherent in people, 1, 2.
- Poll taxes**—Legislature may provide for, 13, 12.
 to be paid into school fund, 13, 12.

- Possession of property—rights of foreigners, Art. 1, § 17.
Postmaster—when may hold civil office, 4, 20.
Powers of Government—how distributed, 3, 1.
legislative, where vested, 4, 1.
executive, where vested, 5, 1.
judicial, where vested, 6, 1.
pardoning power, 7, 1.
militia, 8, 1.
municipal corporations, 11, 6.
Practice in courts—local and special legislation prohibited, 4, 23.
President of Senate—who is, 5, 15.
pro tempore, when to act as Governor, 5, 15.
Press—liberty of, secured, 1, 9.
Prison Directors—see STATE PRISON DIRECTORS.
Privileges and immunities—of citizens, 1, 21.
cannot be granted by special act, 4, 25.
reservation of power in Legislature to revoke or repeal, 1, 21.
See IMMUNITIES.
Probate matters—appellate jurisdiction in Supreme Court, 6, 4.
original jurisdiction in Superior Court, 6, 5.
Process—privilege of member of Legislature from, 4, 11.
style of, 6, 20.
Proclamation—on computation of votes on new Constitution, 22, 9.
Profession—sex not to disqualify from pursuit of, 20, 18.
Prohibition—jurisdiction of Supreme Court, 6, 4.
of Superior Courts, 6, 5.
writs may be served on holidays and non-judicial days, 6, 5.
Prohibitory—provisions in Constitution, 1, 22.
Property—right to acquire, possess, and defend, 1, 1.
persons not to be deprived of without due process of law, 1, 13.
not to be taken or injured for public use, etc., 1, 14.
cannot be exempted by special legislation, 4, 25.
liability to taxation, what includes, 13, 1.
Property qualification—not to be required to vote or hold office, 1, 24.
Prosecutions—to be conducted in name of people, 6, 20.
existing unaffected by adoption of new Constitution, 22, 2.
right of trial by jury secured, 1, 7.
rights of party accused, 1, 13.
Public debts—private property not to be taken for, 11, 15.
Public grants—power to tax not to be surrendered or suspended, 13, 6.
Public grounds—special legislation prohibited, 4, 25.
Public improvements—in cities, how to be made, 11, 19.
Public safety—suspension of writ of *habeas corpus*, 1, 5.
Public schools—Legislature to provide a system of, 9, 5.
property exempt from taxation, 13, 1.
Public works—Chinese prohibited from employment on, 19, 3.
eight hours to constitute a day's work, 20, 17.
Publication—of proceedings of each House, 4, 10.
of receipts and expenditures at each session, 4, 22.
of all laws and official writings to be in English, 4, 24.
of judicial decisions, 6, 16.
Punishments—cruel and unusual, prohibited, 1, 6.
for extortion in rates of fares and freights, 12, 22.

CAL. CONST.—17.

- Qualification**—of voters, Art. 2, § 1.
 property not essential to, 1, 24.
 of members of Legislature, 4, 4.
 each House to judge of, 4, 7.
 of Governor, 5, 3.
 of Justices of Supreme Court, 6, 23.
 of Judges of Superior Courts, 6, 23.
 for office of public trust, 20, 3.
- Quorum**—majority of House to constitute, 4, 8.
 less may adjourn and compel attendance, 4, 8.
- Railroad commissioners**—exception as to use of free passes on railroads, 12, 19.
 to be elected, 12, 22.
 salary and term of office, 12, 22.
 qualification of, 12, 22.
 not to be interested in any transportation company, 12, 22.
 as stockholder, creditor, agent, or employee, 12, 22.
 powers and duties of, 12, 22.
 to prescribe uniform system of keeping accounts, 12, 22.
 to fix rates of fares and freights, 12, 22.
 and publish the same from time to time, 12, 22.
 rates fixed by them to be deemed fair and reasonable, 12, 22.
 to examine books, etc., of transportation companies, 12, 22.
 to hear and determine complaints, 12, 22.
 to enforce decisions and correct abuses, 12, 22.
 to report to Governor annually, 12, 22.
 Legislature may confer further powers, 12, 22.
 or may remove one or more of them, 12, 22.
 vacancies may be filled by Governor, 12, 22.
 appointee, term of office of, 12, 22.
- Railroad companies**—may connect at State line with foreign corporations, 12, 17.
 may intersect, connect, or cross other railroads, 12, 17.
 delay and discrimination prohibited, 12, 17.
 officer, agent, or employee not to be interested in furnishing with materials and supplies, 12, 18.
 nor when leased, 12, 18.
 not to grant free passes to State officials, 12, 19.
 or passes or tickets at a discount, 12, 19.
 not to combine with carriers to share earnings in certain cases, 12, 20.
 rates when lowered cannot be raised without consent of government, 12, 20.
 government to regulate fares and freights, 12, 20.
 no discrimination between places or persons, 12, 21.
 fares and freights to any station, not to exceed those to a more distant station, 12, 21.
 excursion and commutation tickets may be at special rates, 12, 21.
 State to be divided into three railroad districts, 12, 22.
 and Commissioners elected for each, 12, 22.
 fine for failure to comply with regulations of Commissioners, 12, 22.
 fine and imprisonment of officers of company, 12, 22.
 exemplary damages for excessive charges, 12, 22.
- Railroad districts**—State to be divided into three, 12, 22.
 temporary allotment, 12, 23.
- Railroads**—how assessed for taxation, 13, 4.
- Real actions**—where to be brought, 6, 5.
- Real estate**—restriction on tenure by corporation, 12, 9.
- Rebellion or invasion**—suspension of *habeas corpus*, 1, 5.

- Receipts and expenditures**—to be published with laws, Art. 4, § 22.
Recess of Legislature—restriction, payment of members, 4, 14.
Recognizances—obligations, etc., unaffected by adoption of new Constitution, 22, 2.
Recommendations—to be made by Governor at every session, 5, 10.
Regulations—of court practice, special legislation prohibited, 4, 25.
of fares and freights, 12, 22.
Registrar of Voters—in San Francisco, duty of, 22, 6.
Release of debt or obligation—special legislation prohibited, 4, 25.
Religion—free exercise of secured, 1, 4.
test of not to apply to witness or juror, 1, 4.
aid to private corporations and institutions prohibited, 4, 22.
aid to sect and creed prohibited, 4, 30.
Representation—in Legislature, 4, 6.
Reporter of Supreme Court—appointment of, 6, 21.
salary and term of office, 6, 21.
Residence—for purpose of voting, what not to affect, 2, 4.
not affected by absence on public business, 20, 12.
Revenue and taxation—13, 1.
property to be taxed in proportion to its value, 13, 1.
property to include money, credits, bonds, etc., 13, 1.
what property exempt, 13, 1.
deduction from credits of debts due residents of State, 13, 1.
lands and improvements to be separately assessed, 13, 2.
lands similarly situated and of equal value to be assessed at same value, 13, 2.
to be assessed by sections and fractions of sections, 13, 3.
mortgage, deed of trust, etc., deemed an interest in property, 13, 4.
exceptions in favor of railroads and other quasi corporations, 13, 4.
tax a lien on property and securities, 13, 4.
if paid by owner of security, becomes part of debt, 13, 4.
if paid by owner to be deducted from secured debt, 13, 4.
contracts by debtor to pay tax on the security void, 13, 5.
power of taxation never to be surrendered or suspended, 13, 6.
Legislature may provide for payment by installments, 13, 7.
See ASSESSMENT, TAXATION.
Revision of Constitution—18, 1.
two-thirds vote of each House necessary to command, 13, 2.
convention for revision, when to be elected, 18, 2.
of what to consist, 18, 2.
delegates, when to meet, 18, 2.
result to be submitted to vote of people, 18, 2.
returns and proceedings thereon, 18, 2.
executive to declare result, 18, 2.
majority of votes required to ratify, 18, 2.
Rights—inalienable, 1, 1.
enumeration not to impair others retained, 1, 23.
right of free assemblage, 1, 10.
right of suffrage, 2, 1.
Chinese excluded from, 2, 1.
Right of way—appropriation of, 1, 14.
on navigable waters not to be obstructed, 15, 2.
Roads—local and special legislation prohibited, 4, 25.
Rules of proceeding—each House to regulate, 4, 9.

- Sacramento**—the seat of government, Art. 20, § 1.
two Superior Judges to be elected, 6, 6.
salary of, 6, 17.
- Safety and happiness**—right to pursue, 1, 1.
- Salaries**—of officers, special legislation prohibited, 4, 25.
of Governor, 5, 19.
of certain officers to be fixed by Legislature, 5, 19.
of Justices of Supreme Court, 6, 17.
to be paid by State, 6, 17.
of Judges of Superior Court, 6, 17.
half to be paid by State and half by county, 6, 17.
of Reporter of Supreme Court, 6, 21.
of Justices and Judges, conditions precedent to drawing of, 6, 24.
of Railroad Commissioners, 12, 22.
- San Francisco**—twelve Superior Judges to be elected, 6, 6.
salary of Judges, 6, 17.
- Sanitary regulations**—city, county, or town may enforce, 11, 11.
- San Joaquin**—two Superior Judges to be ele. ted, 6, 6.
salary of Judges, 6, 17.
- Santa Clara**—two Superior Judges to be elected, 6, 6.
salary of Judges, 6, 17.
- School district**—officers cannot be regulated by special laws, 4, 25.
prohibited from aiding religious sect or creed, 4, 30.
restriction as to incurring indebtedness, 11, 18.
- School funds**—proceeds of land sold, etc., to constitute, 9, 4.
to be applied exclusively to primary and grammar schools, 9, 6.
poll tax to be paid into, 13, 12.
- Scientific improvement**—to be promoted, 9, 1.
- Seal of State**—5, 13.
- Searches and seizures**—unreasonable prohibited, 1, 19.
warrant to issue only on probable cause, 1, 19.
- Seat of government**—at Sacramento, 20, 1.
provision for change of, 20, 1.
- Secretary of State**—subject to impeachment, 4, 18.
to countersign grants and commissions, 5, 14.
mode and time of election of, 5, 17.
term of office, 5, 17.
to keep record of official acts, 5, 18.
duties of, 5, 18.
compensation for services, 5, 19.
to furnish paper for ballots for new Constitution, 22, 5.
- Sectarian schools**—to receive no public aid, 9, 8.
- Securities**—taxation of, 13.
- Security**—from unreasonable searches and seizures, 1, 19.
- Seizures**—unreasonable prohibited, 1, 19.
- Senate**—legislative powers vested in, 4, 1.
number of members of, 4, 5.
a court of impeachment, 6, 1.
may remove Justices or judges, 6, 10.
- Senators**—when and how chosen, 4, 4.
term of office, 4, 5.
number of, 4, 5.
allotment of, 4, 5.
to try all impeachments, 6, 1.
to be under oath or affirmation, 6, 1.

- Senator of United States**—Governor disqualified for, Art. 5, § 20.
Separate property—of husband and wife, 20, 8.
Sessions of Legislature—when to commence, 4, 2.
 limitation of, 4, 2.
 to be open, except, 4, 13.
Sex—not to disqualify for pursuit of lawful business, 20, 18.
 not to disqualify for admission into colleges, 20, 18.
 not to debar from admission to University, 9, 9.
Shares of stock—contracts for sale on margin void, 4, 26.
 Legislature may regulate purchase and sale of, 4, 26.
Sheriffs—Legislature to provide for election of, 11, 5.
Slavery—prohibited, 1, 18.
 coolieism declared a form of, 19, 4.
Soldiers—not to be quartered in time of peace, 1, 12.
Sonoma—two Superior Judges to be elected, 6, 6.
 salary of Judges, 6, 17.
Speech—liberty of, secured, 1, 9.
Special legislation—in certain matters prohibited, 4, 25.
 prohibited where general laws apply, 4, 25.
Special privileges and immunities—restriction on grant of, 1, 21.
Special rights—cannot be granted by special legislation, 4, 25.
State—a part of the Union, 1, 3.
 subdivision into senatorial and assembly districts, 4, 6.
 authority over institutions supported by State aid, 4, 22.
 prohibited to subscribe for corporation stock, 4, 31.
 not to loan its credit, 12, 13.
 nor subscribe for corporation stock, 12, 13.
 to be divided into three railroad districts, 12, 22.
 property or exempt from taxation, 13, 1.
State Board of Health—Legislature to provide for, 20, 14.
State indebtedness—restriction on power of Legislature, 16, 1.
 limit to aggregate debt, 16, 1.
 provisions to be made to pay interest, 16, 1.
 as well as for principal, 16, 1.
 provisions as to laws creating debts, 16, 1.
State institutions and public buildings—alone entitled to appropriations, 10, 1.
State lands—to be granted only to actual settlers, 17, 3.
 parcels not to exceed 320 acres, 17, 3.
State officers—subject to impeachment, 4, 18.
State Prison Directors—Board of, 10, 1.
 of whom to consist, 10, 1.
 term of office, 10, 1.
 classification of, 10, 1.
 term of appointee to vacancy, 10, 1.
 to have charge of State Prison, 10, 2.
 duties of, 10, 2.
 to appoint warden and clerk, 10, 3.
 or remove them for cause, 10, 3.
 no compensation other than expenses incurred, 10, 4.
State school tax—to be applied exclusively to primary and grammar schools, 9, 6.
Statement of receipts and expenditures to be published—4, 22.

- Statute**—enacting clause of, Art. 4, § 1.
- Stock of corporations**—State prohibited from subscribing for, 4, 31.
not to be issued except for money, labor, or property, 12, 11.
fictitious increase to be void, 12, 11.
subject to assessment for taxation, 13, 1.
- Stock board**—Legislature to control sales of stock, 4, 23.
- Stock exchange**—to be subject to control of Legislature, 4, 26.
- Stock market**—Legislature to control sales of stocks, 4, 26.
- Stockholder**—incompetent to appointment to regulate charges, 4, 33.
individual and personal liability of, 12, 3.
rights on voting for managers or directors, 12, 12.
to have free access to books, etc., of corporation, 12, 14.
- Storage**—charges to be regulated by Legislature, 4, 33.
- Streets**—proceedings for improvement of, 11, 19.
estimate of costs and expenses, 11, 19.
assessment in proportion to benefits, 11, 19.
to be first collected and paid into treasury, 11, 19.
may be used by gas and water companies, 11, 19.
municipal government to regulate rates for gas and water, 11, 19.
- Streets and alleys**—local and special legislation prohibited, 4, 25.
- Student**—absence not to prejudice right to vote, 2, 4.
- Succession**—special legislation prohibited, 4, 25.
- Suffrage**—right to, who entitled, 2, 1.
who prohibited, 2, 1.
persons convicted of certain crimes disqualified from, 20, 11.
freedom of, to be protected, 20, 11.
- Suits against State**—subject to direction of law, 20, 6.
- Superintendent of Public Instruction**—to be elected, 9, 2.
when elected, 22, 40.
salary, when to enter on office, 9, 2.
- Superintendent of county**—election, etc., 9, 3.
two or more counties may unite, 9, 3.
- Superintendent of Printing**—to furnish copies of new Constitution,
22, 4.
to furnish ballots for, to county clerks, 22, 5.
- Superior Court**—Invested with judicial power, 6, 1.
jurisdiction of, 6, 5.
power of naturalization, 6, 5.
appellate jurisdiction from Justice's Court, 6, 5.
always open, certain days excepted, 6, 5.
may issue writs, 6, 5.
for each county, 6, 6.
Judges may apportion business, 6, 7.
Judges of different counties may interchange, 6, 8.
provision of Judge *pro tempore*, 6, 8.
Judge *pro tempore* to be a member of the bar, 6, 8.
to be a court of record, 6, 12.
- Supervisors**—Legislature to provide for election of, 11, 5.
constitute county Boards of Equalization, 13, 9.
duties and authority of, 13, 9.
duty as to common schools, 9, 7.
as to examination of teachers, 9, 7.
to fix water rates, 14, 1.
compulsory process on failure, 14, 1.

- Supreme Court**—invested with judicial powers, Art. 6, § 1.
to consist of Chief Justice and six Justices, 6, 2.
may sit in departments or in bank, 6, 2.
to be always open, 6, 2.
to be divided into Departments One and Two, 6, 2.
Justices to be assigned, 6, 2.
competent to sit in either department, 6, 2.
may freely interchange, 6, 2.
each department to hear and determine causes, 6, 2.
three Justices necessary to act, 6, 2.
Justice may act at chambers, 6, 2.
concurrence of three necessary to judgment, 6, 2.
Chief Justice to apportion business, 6, 2.
may order question heard in bank, 6, 2.
either before or after judgment, 6, 2.
order to be made within thirty days, 6, 2.
and concurred in by two Justices, 6, 2.
its effect is to vacate judgment, 6, 2.
four Justices may order hearing in bank, 6, 2.
judgment final if order not made in time, 6, 2.
judgment by department not final till thirty days, 6, 2.
unless approved by Chief Justice and two Justices, 6, 2.
Chief Justice may convene court in bank at any time, 6, 2.
to preside, 6, 2.
concurrence of four necessary for judgment, 6, 2.
if four do not concur all qualified must sit, 6, 2.
and concurrence of four necessary to judgment, 6, 2.
decisions in all cases to be in writing, 6, 2.
and grounds to be set forth, 6, 2.
Chief Justice may preside in either department, 6, 2.
Justices assigned to select one to preside, 6, 2.
when may select Chief Justice, 6, 2.
when Chief Justice and Justices to be elected, 6, 3.
term of office, 6, 3.
Justices first elected to classify by lot, 6, 3.
so as to vacate two seats every four years, 6, 3.
entry of classification on minutes, 6, 3.
and to be filed with Secretary of State, 6, 3.
in case of vacancy Governor to appoint, 6, 3.
first election under new Constitution, 6, 3.
opinions to be published, 6, 16.
- Surveyor-General**—subject to impeachment, 4, 18.
mode and time of election, 5, 17.
office may be abolished, 5, 19.
compensation of, 5, 19.
- Sutter**—Superior Judge to be elected, 6, 6.
salary of Judge, 6, 17.
- Tax**—appellate jurisdiction of Supreme Court, 6, 4.
original jurisdiction of Superior Court, 6, 5.
commutation of prohibited, 11, 10.
- Taxation**—local and special legislation prohibited, 4, 25.
property cannot be exempted by special acts, 4, 25.
assessment of revenue under township organization, 11, 4.
for municipal purposes, restriction of Legislature, 11, 12.
Legislature may invest municipal corporations with powers of, 11, 12.
sworn statement to be furnished Assessor, 13, 8.
of property held at a certain day and hour, 13, 8.
State Board of Equalization to be elected, 13, 9.
County Board of Equalization, who constitute, 13, 9.

Taxation—Continued.

duties of Boards, Art. 13, § 9.
property to be taxed where situated, 13, 10.
State Board to assess property of railroads in more than one county, 13, 10.
and apportion amount among the counties, 13, 10.
in proportion to number of miles in each, 13, 10.
income taxes may be assessed, 13, 11.
poll tax to be levied, 13, 12.
Legislature to provide for carrying out constitutional provisions, 13, 13.

See **ASSESSMENT, REVENUE AND TAXATION.**

Taxpayer—statement when to be made, 13, 8.

Teachers—examination to be made under control of local boards, 9, 7.
certificates on examination, 9, 7.

Telegraph companies—Legislature may regulate charges, 4, 33.

Ten days—after session given for approval of bill, 4, 16.

Term of office—of Assemblymen, 4, 3.
of Senators, 4, 4.
of Governor, 5, 2.
of Lieutenant-Governor, 5, 15.
of State officers, 5, 17.
of Justices of Supreme Court, 6, 3.
of Judges of Superior Court, 6, 6.
of State Prison Directors, 10, 1.
of county officers, 11, 5.
of city, county, and township officers, 11, 9.
of Railroad Commissioners, 12, 20.
not herein provided to be declared by law, 20, 16.
not to exceed four years under statute, 20, 16.
when to commence, 20, 20.
at first election, 20, 10.

Testimony—on prosecution for lobbying, 4, 35.

Text-books—shall be adopted by local boards, 9, 7.
not to be changed within four years, 9, 7.

Tide lands—owners of not to exclude right of way over waters adjoining, 15, 2.
within two miles of cities or towns to be withheld from sale or grant, 15, 3.

Tolls—appellate jurisdiction of Supreme Court, 6, 4.
original jurisdiction of Superior Court, 6, 5.

Torts—imprisonment for, 1, 15.

Town Council—to fix water rates annually, 14, 1.

Town plats—special legislation prohibited, 4, 25.

Townships—prohibited from giving or loaning credit, 4, 31.

Legislature to provide for organization of, by general laws, 11, 4.
assessment and collection of revenue, 11, 4.

Township officers—to be governed by general laws only, 4, 25.

Transfer—of corporation stock, where to be made, 12, 14.

Transmission—of property rights of foreigner, 1, 17.

Transportation companies—are common carriers, 12, 17.

right to connect with companies at State line, 12, 17.

delay or discrimination prohibited, 12, 17.

supplies or materials not to be furnished by officer or agent of company, 12, 18.

not to grant free passes to State officials, 12, 19.

Transportation companies—Continued.

acceptance of such a forfeiture of office, Art. 12, § 19.
exception as to Railroad Commissioners, 12, 19.
combination between, prohibited, 12, 20.
fares and freights once lowered cannot be raised without consent
of Government, 12, 20.
Government has power to regulate fares and freights, 12, 20.
discrimination as to persons and places prohibited, 12, 21.
charges to way stations not to exceed charges to stations beyond,
12, 21.
excursion and commutation tickets may be at special rates, 12, 21.
State to be divided into three districts, 12, 22.
a Railroad Commission to be elected, 12, 22.
salary and term of office, 12, 22.
qualification and disqualification for the office, 12, 22.
act of majority to be the act of all, 12, 22.
powers and duties of Commission, 12, 22.
power to fix rates of fares and freights, 12, 22.
rates fixed deemed fair and reasonable, 12, 22.
penalty for failure to conform to rates as fixed, 12, 22.
imprisonment of officer, agent, etc., 12, 22.
exemplary damages recoverable, 12, 22.

Treason—what constitutes, 1, 20.

evidence necessary to convict for, 1, 20.

Treasurer—subject to impeachment, 4, 18.

mode and time of election, 5, 17.

term of office, 5, 17.

compensation of, 5, 19.

Treasury—money, when and how drawn, 4, 22.

members of Legislature to be paid out of, 4, 23.

special statute cannot authorize refunding of money, 4, 25.

Trial by jury—right to, 1, 7.

three-fourths may render verdict, 1, 7.

right to jury may be waived by consent, 1, 7.

in criminal cases not felonies, 1, 7.

no person to be twice in jeopardy of same offense, 1, 13.

nor compelled to be witness against himself, 1, 13.

Trustees—of corporation, joint and several liability for embezzle-

ment, 12, 3.

Uniform operation of general laws—1, 11.**United States**—official incompetent to hold State office, 4, 20.

property exempt from taxation, 13, 1.

United States Senator—Governor ineligible to office of, 5, 20.**University**—to constitute a public trust, 9, 9.

organization and government of, 9, 9.

legislative control over, 9, 9.

to be independent of political and sectarian control, 9, 9.

fund, how appropriated, 9, 9.

sex not to debar admission to, 9, 9.

Vacancy—In Legislature, how filled, 4, 12.

In office, when filled by Governor, 5, 8.

to fill vacancy in Justices of Supreme Court, 6, 3.

In Superior Court, 6, 6.

In office of Railroad Commission, 12, 22.

Validating acts—of deeds, wills, etc., by special legislation, prohib-

ited, 4, 25.

- Venue**—special acts to change prohibited, Art. 4, § 25.
- Veto**—power of Governor, 4, 16.
two-thirds of members elected may pass bill over, 4, 16.
- Vocation**—sex not to disqualify from following, 20, 18
- Vote**—property qualification not to be required, 1, 24.
qualification for right to, 2, 1.
to be by ballot, 2, 5.
on election by Legislature to be *viva voce*, 4, 28.
and entered on journal, 4, 28.
corporators may cumulate or distribute, 12, 12.
- Voters**—qualifications of, 2, 1.
residence of, 2, 1.
who not entitled to be, 2, 1.
persons convicted of certain crimes disqualified, 20, 11.
- Warden of State Prison**—appointment of, 10, 3.
power to appoint officers and employees, 10, 3.
duties to be defined by Legislature, 10, 5.
- Water and water rights**—14, 1.
appropriation declared a public use, 14, 1.
subject to regulation and control of State, 14, 1.
rates to be fixed by Supervisors annually, 14, 1.
order, when to take effect, 14, 1.
peremptory process on failure to fix rates, 14, 1.
forfeiture of franchise for collecting other than established
rates, 14, 1.
right to collect rates a franchise, 14, 2.
to be exercised under authority of law, 14, 2.
- Water companies**—In cities, right to regulate charges, 11, 12.
- Water franchise**—when liable to forfeiture, 14, 1.
- Water rates**—In cities and towns, to be fixed annually by Supervi-
sors, 14, 1.
- Water works**—ground for forfeiture of, 14, 1.
- Watering stocks**—prohibited, 12, 11.
- Wharfage**—charges to be regulated by legislation, 4, 33.
- Wife**—separate property of, 20, 8.
- Wills**—cannot be validated by special acts, 4, 25.
- Witness**—no religious restrictions, 1, 4.
not to be unreasonably detained, 1, 6.
nor confined with criminals, 1, 6.
deposition of in criminal cases, 1, 13.
no person to be compelled to testify against himself, 1, 13.
concurrence necessary in treason, 1, 20.
- Wrts**—appellate jurisdiction of Supreme Court, 6, 4.
original jurisdiction of Superior Court, 6, 5.
unaffected by adoption of new Constitution, 22, 2.
- Yea and nays**—to be taken on final passage of bills, 4, 15.
to be entered on minutes, 4, 15.
to be taken on vote on proposed amendments, 18, 1.
- Yuba**—a Superior Judge to be elected, 6, 6.
salary of Judge, 6, 17.

J. R. Hugell

OUR CONSTITUTIONS.

FEDERAL AND STATE,

Old and New, Side by Side,

WITH FULL INDEXES.

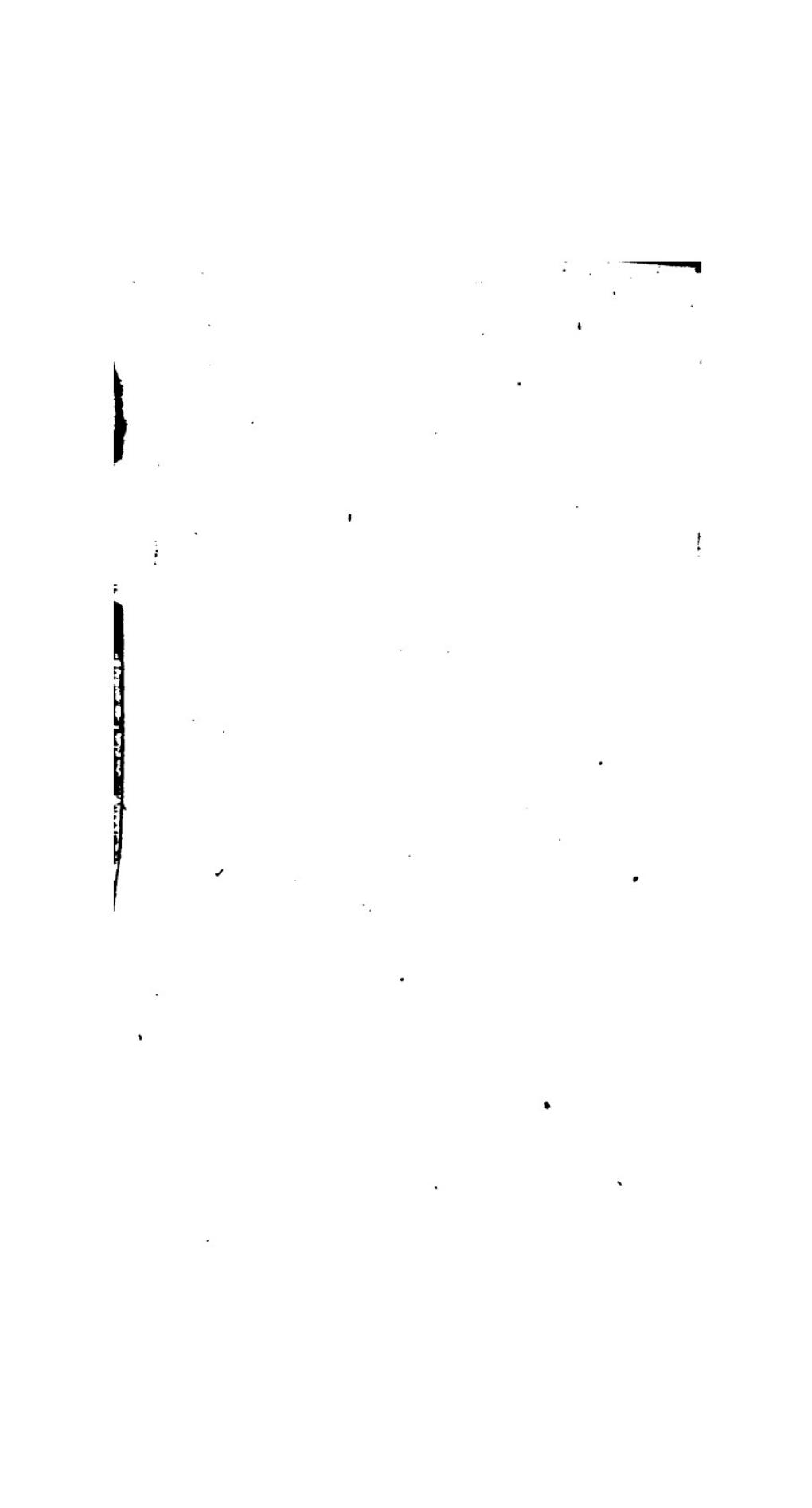
PRICE, - - - 50 CENTS.

SAN FRANCISCO:
SUMNER WHITNEY & CO.
1879.

Presented by

Pres. J. B. Angell

No.



IN PRESS:

DESTY'S

Annotated Constitutions,

WITH

ELABORATE NOTES

OF THE

DECISIONS OF THE UNITED STATES,

OF CALIFORNIA,

AND OF SUCH OTHER STATES AS HAVE CONSTITUTIONAL PRO-
VISIONS SIMILAR TO OURS.

